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BOARD MEETING  
STATE OF CALIFORNIA  
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING  
1001 I STREET  
2ND FLOOR  
CENTRAL VALLEY AUDITORIUM  
SACRAMENTO, CALIFORNIA

TUESDAY, NOVEMBER 18, 2003  
9:30 A.M.

TIFFANY C. KRAFT, CSR, RPR  
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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

BOARD MEMBERS

Steven R. Jones

Jose Medina

Linda Moulton-Patterson

Cheryl Peace

Michael Paparian

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Elliot Block, Legal Office

Linda Dickinson, Staff, Special Waste Division

Bobbie Garcia, Staff, Policy and Analysis Office

Jim Lee, Deputy Director, Special Waste Division

Howard Levenson, Deputy Director, Permitting and Enforcement

Sue Markie, Supervisor, Permitting and Enforcement Division

Phil Moralez, Branch Manager, Diversion, Planning and Local Assistance Division

Rubia Packard, Assistant Director, Policy and Analysis Office

Pat Schiavo, Deputy Director, Diversion, Planning, and Local Assistance

Sharon Waddell, Board Secretary

Kristin Yee, Supervisor, Special Waste Division

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APPEARANCES CONTINUED

ALSO PRESENT

Dan Avera, San Bernardino County

Karen Coca, City of LA

Evan Edgar, CA Refuse Removal Council

John Emerson, City of Redondo Beach

Julie Holmes Ryan, GeoSyntec Consultants

Michele McManus, Bureau of Sanitation, City of LA

Michael Minch, GeoSyntec Consultants

Larry Sweetser, Rural Counties ESJPA

Christopher Westoff, City of LA, Attorneys Office

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1 PROCEEDINGS

2 CHAIRPERSON MOULTON-PATTERSON: Good morning and  
3 welcome to the November meeting of the California  
4 Integrated Waste Management Board. I'd like to ask you at  
5 this time to join me for the pledge of allegiance.

6 (Thereupon the Pledge of Allegiance was  
7 Recited in unison.)

8 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
9 much. I'd like to ask you at this time to please turn off  
10 all cell phones and pagers or put them on vibrate, all  
11 these new features now. I guess most people can do that.

12 But also I wanted to let you know there are a  
13 limited amount of agendas in the back. There's speaker  
14 slips. If you wish to speak to the Board on a specific  
15 item please, put the item number and your name and give it  
16 to Ms. Waddell who's right over here.

17 Sharon, will you raise your hand.

18 And she'll make sure we know of your wish to  
19 speak. Also at the end of each meeting, we do have a  
20 brief time for public comments.

21 Ex partes. Mr. Jones.

22 BOARD MEMBER JONES: I'm caught up, Madam Chair.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 Ms. Peace.

25 BOARD MEMBER PEACE: I'm up to date.



1 CHAIRPERSON MOULTON-PATTERSON: I'm also up to  
2 date.

3 Mr. Medina.

4 BOARD MEMBER MEDINA: Up to date.

5 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

6 BOARD MEMBER PAPARIAN: I'm up to date.

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

8 BOARD MEMBER WASHINGTON: I'm up to date.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 I know a number of the members have special  
11 reports and some new additions and introductions, but I'm  
12 going to start the Board reports with Ms. Peace, who I  
13 believe will be making a presentation. So I'm going to  
14 turn it over to her at this time.

15 BOARD MEMBER PEACE: Thank you. This morning we  
16 want people to know that besides being the compliance  
17 police, that the Waste Management Board also truly  
18 appreciates the recycling businesses operating in the  
19 state. We depend on these businesses to do the waste  
20 division activities that conserve our natural resources.

21 So this morning we have two resolutions. One,  
22 I've seen a lot of facilities since becoming a Board  
23 member. But when I toured the EDCO facility in San Diego,  
24 I was so impressed with the facility and how well it was  
25 run, the recycling they accomplish, and the excellent

1 community relations evident in their dealings with the  
2 public. I'm proud to present a Resolution to EDCO to  
3 acknowledge EDCO's crucial role in helping the state meet  
4 its 50 percent diversion requirements.

5           Now not only does EDCO have an outstanding  
6 compliance history at their 13 material recovery  
7 facilities, but they go above and beyond meeting the  
8 state's operation requirements. And George Peterson, as  
9 Director of Public Affairs, is responsible for putting out  
10 a most outstanding newsletter. It's engaging,  
11 informative, and really tells regular customers what they  
12 can do with their reusable wastes. In fact, the  
13 newsletter is so good that we here at the Board are going  
14 to use your newsletter, George, on our website as a model  
15 for our jurisdictions or haulers to use to create their  
16 own newsletters. But best of all, you've already put in  
17 your newsletter the Board's "zero waste, you make it  
18 happen" message, and I really appreciate that.

19           So, George, I'm proud to also present you with a  
20 Resolution from the Board acknowledging your personal  
21 efforts or outstanding public outreach on behalf of EDCO  
22 and for the people of San Diego. Thank you very much.

23           (Applause)

24           (Thereupon a plaque was presented.)

25           CHAIRPERSON MOULTON-PATTERSON: I might add I've

1 forgot the roll call, but we have everyone present. All  
2 Board members are present.

3 I believe at this time we'll start in the reverse  
4 order than I usually do.

5 If Mr. Washington is ready, we'll start with his  
6 Board report. Mr. Washington.

7 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.  
8 And there's just a few items I'd like to report on.

9 As you know, in September I attended the Unified  
10 Education Strategic Need Assessment Planning workshop in  
11 Beverly Hills at the high school.

12 Also on September 23rd, I provided opening  
13 remarks for the signing ceremony for the leader in energy  
14 and environmental design, the LEED program, along with  
15 Chico State University.

16 October I toured the Nursing Products facility.

17 October 21st, I toured the Golden Byproducts  
18 facility. And I was very impressed with the work that  
19 they're doing at Golden Products. And I would certainly  
20 encourage all members to go out and visit their facilities  
21 and see what they're doing with their RMDZ loan money that  
22 they receive.

23 On November the 3rd, Madam Chair and members,  
24 myself along with Assemblyman Rudy Bermudez, presented a  
25 check of \$43,000 to the city of Lakewood, a reuse grant

1 check to them. And it was certainly an exciting moment to  
2 see local government doing their best to reuse and keep as  
3 much from our landfills as possible.

4 And then November the 6th, along with Board  
5 Member Paparian, we attended the Environmental Justice  
6 Tour that was put on by the Community For a Better  
7 Environment. I'll tell you, those young people -- as  
8 Mr. Paparian will tell you -- they are really into their  
9 environment and making sure their environmental justice  
10 issues are clear. And they have some outstanding young  
11 people who are involved with this program. I was very  
12 pleased to be a part of that tour with them.

13 Then, again, I was invited by the City of  
14 Los Angeles, Department of Water and Power and went did  
15 another tour of the Nursery Byproducts facilities out in  
16 their open area there and learned some new information and  
17 certainly was impressed with the type of information that  
18 they were putting together as it relates to the young  
19 people in that area, as well as the health and safety of  
20 folks down there.

21 And then tomorrow I'll be attending the Richmond  
22 Landfill Transfer Station. And so it's been pretty busy  
23 trying to stay abreast of the issues that are before us.

24 And then, Madam Chair, before I conclude, I would  
25 like to introduce many of you to my new advisor. Her name

1 is Antoinette Johnson-Willis. Antoinette comes recently  
2 from the Governor's office. But prior to that, she worked  
3 for me for five years when I was in the California State  
4 Assembly. So I would like you to welcome Antoinette  
5 Johnson-Willis.

6 (Applause)

7 BOARD MEMBER WASHINGTON: That concludes my  
8 report. Thank you, Madam Chair.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 Welcome, Antoinette. We're really happy to have  
11 you.

12 Mr. Paparian.

13 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

14 It was a busy month for me and for the Permitting and  
15 Enforcement Committee members as well, as well as a number  
16 of others.

17 We started on October 16th with the e-waste  
18 stakeholders meeting. I'm going to talk a little more  
19 about e-waste in a second.

20 On October 27th, we had a very informative tour  
21 at the Yolo County Landfill looking at their bioreactor  
22 project. We had some lively discussion with people who  
23 are knowledgeable about bioreactor issues. And I think  
24 for those of us who attended, it was very informative and  
25 a very helpful workshop. And I want to especially thank

1 Howard Levenson and Scott Walker and all the staff from  
2 P&E for pulling that together and doing a great job.

3           The construction, demolition, and inert  
4 requirements workshop on October 30th, I participated for  
5 part of the day in that workshop. And I think that we got  
6 some good input at that workshop. I'm sure we'll be  
7 hearing more about that in the near future.

8           The postclosure maintenance and financial  
9 assurances workshop on November 3rd, we held this workshop  
10 to discuss the length of postclosure waste periods for  
11 solid waste landfill and how funds are made available for  
12 postclosure maintenance during that period. Again, an  
13 issue that will come back before us, I'm sure, in the  
14 coming months.

15           Mr. Washington mentioned the environmental  
16 justice tour, a very informative tour, and I think very  
17 eye opening for me in terms of some of the impacts of  
18 various sorts of facilities in the Alameda corridor of  
19 Los Angeles on some of the communities there.

20           Back to e-waste for a minute. I wanted to thank  
21 Mark Leary and Julie Nauman and our Deputy Director and  
22 Shirley Willd-Wagner also for really putting some focus on  
23 the e-waste issue. That's really necessary in light of  
24 the signing of SB 20. I know that they're moving very  
25 fast in getting things done. Just yesterday they got the

1 list serve up and running so that stakeholders can keep  
2 better informed about what's coming up. And I know that  
3 on December 11th the staff is planning to hold a workshop  
4 to solicit input on our regulations that are being  
5 developed.

6           And then I should mention in light of that,  
7 actually, I have here the Governor's Executive Order from  
8 yesterday on regulations. It calls on us to do a couple  
9 things. One of the things it calls on us to do is to put  
10 on hold regulations that are in the pipeline for 180 days,  
11 but it does grant an exception. It allows the Director of  
12 the Department of Finance to allow an exception for  
13 various reasons. And I think that the e-waste issue may  
14 very well be one of those reasons. And it may be one --  
15 it certainly is something we want to pursue because I  
16 think the added certainty for the stakeholders, for the  
17 people involved in the process is going to be important.  
18 We can certainly implement SB 20 just based on the  
19 legislation, but I think it will be better for all  
20 concerned. It will provide the additional clarity and  
21 ensure that the material is handled in a safe way if we're  
22 able to pursue the regulations.

23           The other thing that's mentioned in this  
24 Executive Order is a review of our regulations from the  
25 past five years, calling on us to look at the impact on

1 businesses of our regulations. I would like to see that,  
2 you know, we go beyond what's just asked for in the  
3 Executive Order and provide some information not only on  
4 the impacts on businesses of our regulations but the  
5 benefits of our regulations as well. I think if you look  
6 back a number of regulation packages, you know, the  
7 compost regulations, the various regulations related to  
8 permitting and so forth, there have been environmental  
9 benefits to those regulations. And I think to have the  
10 whole picture on the paper, we're going to need to include  
11 that information as well.

12 One other thing I noticed, because I've been  
13 reading the Internet maybe a little bit too much this  
14 morning, but just this morning in the Washington Post is  
15 an article about radioactive waste where they're talking  
16 about the U.S. Environmental Protection Agency potentially  
17 allowing some low-level radioactive materials to go into  
18 solid waste landfills. I would like to see our staff -- I  
19 know Scott Walker was very involved in this issue in the  
20 past. But I'd like to see our staff take a look at this  
21 and develop some sort of comments on this EPA proposal. I  
22 think in the past we've all been pretty much in agreement  
23 that we don't want radioactive materials getting into our  
24 landfills.

25 CHAIRPERSON MOULTON-PATTERSON: Could you provide



1 the Board members also with a copy of that, Mr. Paparian?

2 BOARD MEMBER PAPARIAN: Yeah. I'll get some  
3 copies made before the break.

4 And then finally I have an introduction to make  
5 as well. I have a new advisor, and that is Kathy  
6 Fletcher. Kathy I've known for many years. She used to  
7 work -- she was Chief of Staff to then Assemblyman Richard  
8 Katz. That's where I first got to know her. We worked on  
9 a number of hazardous waste landfills or hazardous waste  
10 bills including -- I remember the toxic pits legislation  
11 where the legislation ultimately resulted in closing down  
12 of the open dumping of hazardous materials into unlined  
13 pits at various facilities around the state.

14 More recently, she's been known to many of us at  
15 CalEPA. She's been Deputy Secretary of CalEPA, at one  
16 point was the Waste Board's liaison at CalEPA, has also  
17 worked on overseeing the legislation and communications  
18 programs at CalEPA, among other things. So I hope you'll  
19 all join me in welcoming Kathy Fletcher.

20 (Applause)

21 CHAIRPERSON MOULTON-PATTERSON: Welcome, Kathy.  
22 We're glad to have you also.

23 Mr. Medina.

24 BOARD MEMBER MEDINA: Thank you, Madam Chair.  
25 Following the last three reports, mine is very brief.

1           Starting with a visit I made on October the 16th,  
2 I participated in the dedication of the Sacramento Habitat  
3 for Humanity Restore. And as many of you know, Habitat  
4 for Humanity for many years has been making home ownership  
5 possible for persons who otherwise would not have been  
6 able to afford a home. So now they've gone one step  
7 further. They're helping people attain pride of home  
8 ownership by being able to acquire materials to repair,  
9 maintain, remodel, redecorate their home. And I would  
10 urge all of you to go out and visit the Restore for  
11 Habitat for Humanity. And they have quite a variety of  
12 products. Many products you would find at Lowes or Home  
13 Depo, you can get them there at much more reasonable  
14 prices. So more persons with limited incomes, this is a  
15 very good place to be able to go and get quality goods,  
16 many of them new.

17           The second thing I would like to touch on  
18 briefly, I know that there was a Senate Advisory  
19 Commission on cost control in state government that  
20 released a critical report in regards to our waste tire  
21 recycling management program. I know that our staff is  
22 preparing a response to that so I will leave that up to  
23 our staff to report that response to this Board. However,  
24 there's one year area I do want to touch on, and that's  
25 the report was very critical in regard to our Board not

1 doing enough in regard to the use of RAC, rubberized  
2 asphalt concrete.

3 I just want to say that the burden for getting  
4 waste tires utilized on state highways should not unduly  
5 fall on this Board. I know that we have been very  
6 conscious in regards to all of our policies and procedures  
7 here at the Board and to encouraging the use of waste  
8 tires, not only on our highways but for many other uses as  
9 well. In particular, having been the Director of  
10 Caltrans, during my tenure at Caltrans, just using the  
11 reports from the rubberized industry itself, you will see  
12 that during my two years there the use of rubberized  
13 asphalt concrete went up significantly. I put persons in  
14 place that were strong advocates of rubberized asphalt  
15 concrete, and they did their best to get that out on the  
16 state highways.

17 And certainly I know that Board Chair Linda  
18 Moulton-Patterson and I met with Caltrans Director Jeff  
19 Morales again to urge him to use rubberized asphalt  
20 concrete on the highways and get more waste tires diverted  
21 away from landfills. And we strongly supported Sheila  
22 Kuehl's bill in regard to the use of rubberized asphalt  
23 concrete on city and county roads.

24 So I think that our Board, the Integrated Waste  
25 Management Board, has certainly stepped up to the plate in

1 this regard, and I think we have a strong commitment  
2 there. And I'm confident that our staff and our Board  
3 will send a very strong response to the Senate Committee.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
5 much. And I certainly agree. And the draft is going  
6 around today and will be reviewed by all Board members.

7 At this point in time, Mr. Medina, is Mr. Morales  
8 still in place? I mean, is he who we're dealing with at  
9 this point?

10 BOARD MEMBER MEDINA: I have not seen any new  
11 announcement, other than DMV.

12 CHAIRPERSON MOULTON-PATTERSON: We'll continue to  
13 keep pushing for rubberized asphalt.

14 Ms. Peace.

15 BOARD MEMBER PEACE: On October 24th, I attended  
16 the dedication ceremony for the waste tire track at Torrey  
17 Pines High School. It is a beautiful facility, and they  
18 diverted nearly 90,000 waste tires.

19 I also attended the CDI workshop. I want to  
20 thank staff very much for all the hard work they put into  
21 that.

22 I also attended the landfill postclosure  
23 workshop.

24 Also the Senate report that Mr. Medina made  
25 mention of also criticized the Board for not promoting

1 tire-derived fuel, yet the Legislature just passed a bill  
2 prohibiting us from spending any money on tire-derived  
3 fuel. So that's kind of a contradiction there. So, like  
4 I said, we will be making a response to that. That's all  
5 I have to report.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
7 much.

8 Mr. Jones.

9 BOARD MEMBER JONES: Thanks, Madam Chair. I'll  
10 make mine pretty quick.

11 I attended most of the workshops that have been  
12 listed. They were excellent. And I think especially the  
13 bioreactor landfill workshop is that next stage for us to  
14 really get engaged with because that's, you know, a way to  
15 mitigate long-term environmental problems if it's done  
16 right. And these are the types of things we've got to be  
17 looking at, and I know we are looking at. So I appreciate  
18 that.

19 We had two -- I had quite a few things, but I'll  
20 just talk about two. We had a trash bag suppliers  
21 workshop on October 28th here at the Board, which was  
22 attended by some of the Board members. And the response  
23 to that, that was manufacturers -- four or five largest  
24 manufacturers of trash bags which are mandated to use  
25 recycled content in their material. A couple of them

1 didn't get exemptions from this Board. It was clear in  
2 that action there was a disconnect between suppliers of  
3 recycled content products and those manufacturers.

4 And when we made that decision that two would get  
5 the exemption and two wouldn't, we also talked about the  
6 idea of having a workshop to try to figure out where we  
7 needed to close some gaps, make tighter specs, do what we  
8 needed to do to continue to promote.

9 Our staff, Mike Leanon and his team, put together  
10 a workshop that had the manufacturers actually sitting at  
11 the diases and suppliers sitting in staff's position so  
12 they could start an exchange. And after the lunch break,  
13 they switched positions to get a better understanding of  
14 what was needed, what kinds of items. And I think it was  
15 a good event from the standpoint that the communications  
16 were open. And there is the possibility that we can move  
17 that marketplace positively, I hope as a result of that.  
18 We gave them some openings that they didn't take advantage  
19 of. They kept telling me that they couldn't use it. They  
20 couldn't do this in this bag and that bag in that bag.  
21 And I said, "Well, tell us what you can use it in. Tell  
22 us where you can put it." And the silence was pretty  
23 deafening.

24 So our work is clearly in front of us, but I  
25 think it's an important issue from the standpoint that it

1 gets those suppliers and manufacturers talking. So I  
2 appreciate all the efforts. And actually, I was contacted  
3 by Plastic News as a result of that workshop. They  
4 listened on the Internet, and they were -- I think, they  
5 had the right idea, but we'll see what happens when they  
6 publish their article.

7           And the last thing was the RMDZ workshop in Santa  
8 Rosa on October 30th, I had the opportunity to present and  
9 then be the moderator for the rest of the day with four or  
10 five other folks that were passing on information to these  
11 different zone administrators. It was a good day. It  
12 was -- like I said in Committee, it gave me an opportunity  
13 to explain to the actual zone administrators some of the  
14 things we were facing as a Board in keeping the RMDZ  
15 program alive. And I think the exchange was helpful  
16 because they had it from the horse's mouth as to, you  
17 know, where some of those problems were and why we  
18 couldn't do everything they would have liked us to do. We  
19 would have loved to, but we wouldn't have a program. So I  
20 think there's a better understanding.

21           And I think as a result of that we may change.  
22 Staff's working on it right now. There may be some  
23 changes in some regional zone activities where we  
24 probably, because of travel restrictions, will participate  
25 by phone. And then maybe once a year go down into a zone

1 and just talk with the people in the region and make sure  
2 we're not so much looking for the new business as we are  
3 looking at existing business to see where we can expand or  
4 even those that have never used certain products could  
5 actually impact their line.

6           The speakers we had that day were incredible  
7 because they were able can-do people. I didn't hear an  
8 excuse from any of them. I heard how they looked at these  
9 things as opportunities and make success. And you know,  
10 my philosophy is that's usually the way you've got to get  
11 it done.

12           So thanks, Madam Chair.

13           CHAIRPERSON MOULTON-PATTERSON: Thank you,  
14 Mr. Jones. I think we all agree that communication is  
15 very important between the Board and zone administrators.

16           I will also make my report very brief because I  
17 have a question or two for Mr. Leary regarding the  
18 Executive Order on our regulations.

19           I'm so glad that Mr. Washington and Mr. Paparian  
20 were able to go on the environmental justice toxics tour.  
21 I know probably people get sick of me talking about it,  
22 but it made such an impact on me. And once you go on it,  
23 I don't think you ever forget it. Did you see La Montana?  
24 It's still there, I assume. And again, we want to do what  
25 we can in that area, and I'm going to keep talking about



1 it as long as I can. So thank you for going and taking  
2 the time. I know it's a full day and a lot of time, but I  
3 really think it's worth it and I appreciate it.

4 I have been working along with Ms. Peace on  
5 environmental education issues. We have a lot to do in  
6 that area, and Ms. Broddrick -- there you are. We  
7 certainly -- even though it's a lot of work, as someone  
8 who four-and-a-half-years ago really, really wanted to see  
9 environmental education a big priority for the Board, it's  
10 wonderful to see it's become that. And I think every  
11 member up here believes that. So we're willing to put in  
12 the work and the obstacles and so forth. And so we've  
13 been working a lot on that, as well as Ms. Bruce and  
14 Ms. Vorhies have been putting a lot of time on it.

15 I also attended, along with Ms. Peace, Governor  
16 Davis' Conference on Women. And it's really quite --  
17 what's the word I can use? To be with 10,000 energetic,  
18 enthusiastic women is quite -- it really recharges your  
19 battery.

20 BOARD MEMBER WASHINGTON: Actually, I showed up,  
21 but they turned me away.

22 CHAIRPERSON MOULTON-PATTERSON: Oh, no, no, no.  
23 We wouldn't do that. There were a few good men there.

24 But anyway, it was really great. And I'm so glad  
25 this Ms. Peace and some of our members from -- women

1 members from Southern California could join us. And it  
2 was quite a special day.

3 And I might say I've been attending those since  
4 Governor Wilson's day. And I hope the tradition is -- I'm  
5 sure it will be go forward with every Governor, and it  
6 just grows larger and larger.

7 I also attended the Milken Institute on the state  
8 of the state conference. Very interesting speakers,  
9 including our new Secretary of Education, Secretary  
10 Riordan, and also was present at the Environmental Enviro  
11 Fair in Del Mar. And these people -- it was just a  
12 regional event, but they put in so much time and effort  
13 and energy. It was just a great event. They had  
14 exhibits, and I would encourage everyone to attend. I  
15 think -- I believe they have it about this time every  
16 year. And it was really a great event. And it's good to  
17 get out there and see what they're doing in the different  
18 areas of the state.

19 And with that, I'm going to turn it over to  
20 Mr. Leary. And just before you begin, I know we all want  
21 to hear you address the Executive Order, what this means  
22 for us, which reg packages are immediately on hold. I  
23 don't know if you've had time to do this, but I'll turn  
24 this over to you at this time.

25 Mr. Leary.

1 EXECUTIVE DIRECTOR LEARY: Thank you, Madam  
2 Chair, Board members. In regards to the new Governor's  
3 Executive Order, we're still looking at it closely. I  
4 think some preliminary interpretations are, the hold  
5 placed on processing of regulations we see is anything  
6 going over to the Office of Administrative Law. We don't  
7 have anything quite ready to do that yet, so I think we  
8 can continue to develop our regulations as we feel  
9 appropriate and stay on the schedule we have. And then we  
10 will then, as they are being prepared to send over to the  
11 Office of Administrative Law, we will seek the exemption  
12 that Mr. Paparian spoke of that's in the Executive Order,  
13 particularly in regards to Senate Bill 20. I believe  
14 we've already gotten some pretty strong signals from the  
15 new administration that they support the full  
16 implementation of Senate Bill 20. So I anticipate -- I  
17 guess we can be reasonably optimistic that we would be  
18 favorably treated in pursuing that exemption.

19 CHAIRPERSON MOULTON-PATTERSON: We certainly hope  
20 so. Thank you.

21 EXECUTIVE DIRECTOR LEARY: In regards to the  
22 five-year review, I think, as Mr. Paparian touched on,  
23 that we have -- the whole structure of our tiered  
24 regulations is based on a business-friendly approach that  
25 regulates to the level that's commensurate with the threat

1 to public health. That's why we have excluded tiers, and  
2 that's why we have notification tiers. So I think at  
3 least in regards to those that revolve around the tiered  
4 regulations, we can make a strong argument that they are  
5 developed to implement our mandate and our authority, but  
6 also they're done in a way that's friendly to the  
7 prospering of recycling businesses. I mean, we're proud  
8 of our record in that regard.

9           So we will compile that five-year compilation and  
10 submit that to the new administration as the Executive  
11 Order requests. We've actually started much of that as  
12 we've prepared for this transition over the past couple of  
13 months. So we will forward that on to the members and  
14 make you aware of that.

15           As a matter of fact, it's just entirely  
16 coincidental, I signed a memo to you all today forwarding  
17 our transition binder that we prepared at the request of  
18 CalEPA to you all for your reference and information that  
19 summarizes our programs, provides a cursory overview of  
20 the regulations we've developed, as well as the basic  
21 stuff, our org structure, our budget definition, and that  
22 kind of information that you folks know so well, but we  
23 wanted to get on to the new administration.

24           So I hope that answers your question. We will  
25 keep you informed.

1 Mike, do you have another question?

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Very quickly. I would  
4 assume fairly quickly we'll get a list of those  
5 regulations that were adopted in the past five years and  
6 those that are potentially in the 180-day pipeline.

7 CHAIRPERSON MOULTON-PATTERSON: I'd like to see  
8 that.

9 BOARD MEMBER PAPARIAN: Before you do all that  
10 work on it, just having that list would be helpful to me  
11 to understand what's on the table.

12 EXECUTIVE DIRECTOR LEARY: There's actually a tab  
13 in the transition binder that you will be receiving today  
14 that lists the regulations we developed over the last five  
15 years. I don't believe it includes the regulations we  
16 currently have in the works so we'll compile that quickly  
17 and get that to you.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you. I  
19 think we're most anxious to see that.

20 Any other questions, Board members, for  
21 Mr. Leary?

22 EXECUTIVE DIRECTOR LEARY: I do have a little bit  
23 of a report I'd like to go into.

24 CHAIRPERSON MOULTON-PATTERSON: That wasn't your  
25 report? Okay. Thank you.

1 EXECUTIVE DIRECTOR LEARY: I was just answering  
2 your question. Actually, I have a pretty significant  
3 amount of material to report on, and it largely revolves  
4 around your staff's very strong involvement in response to  
5 the Southern California fires.

6 I'd like to begin this morning with some comments  
7 related to the recent and terrifying wild fires in  
8 Southern California. The terrible loss of lives and  
9 devastating property damage, of course, has touched us  
10 all. Our heartfelt thoughts and prayers continue to be  
11 extended to all of those who have suffered personal loss  
12 and who were touched by these tragedies.

13 Madam Chair and Board members, your staff has  
14 been very involved with CalEPA's response to the wild fire  
15 emergency coordinated under the auspices of the Governor's  
16 Office of Emergency Services. From November 3rd through  
17 the 14th, we provided an ongoing presence at the Disaster  
18 Field Office in Pasadena.

19 In particular, I'd like to acknowledge and thank  
20 the staff from our Permitting and Enforcement programs,  
21 Bernie Vlach, Bill Marciniak, and Diane Ohiosumua, for  
22 their time spent in the office and Mitch Delmage from the  
23 Special Waste programs who's done some time at the State  
24 Operations Center here in Sacramento.

25 The primary focus on our involvement has been on

1 the safe handling of fire-related debris. From the  
2 outset, local officials were raising concerns about  
3 managing and disposing debris mixed with hazardous waste  
4 in Class III landfills, managing and disposing household  
5 hazardous waste, and the FEMA funding for cleanup and  
6 collection.

7           We've worked closely with Department of Toxic  
8 Substance Control and the regional water boards on a  
9 determination that mixed debris generally can go into  
10 lined Class III landfills after segregation of readily  
11 identifiable hazardous waste. Staff provided this  
12 information immediately to our LEA partners. Very early  
13 on, we were communicating with the LEAs to: One,  
14 reiterate the process for obtaining emergency waivers at  
15 landfills and transfer stations; two, to provide  
16 information on disaster management plans; and three, to  
17 remind operators to track the jurisdiction of origin for  
18 incoming fire debris.

19           We also provided information through OES to local  
20 assistance centers to aid home and business owners  
21 interested in greening their rebuilding efforts.

22           (Thereupon an overhead presentation was  
23 presented as follows.)

24           EXECUTIVE DIRECTOR LEARY: We have up on your  
25 screens now our live website. Within days of the fire,

1 staff launched a website to support the recovery effort.  
2 This site includes guidance and contact information, along  
3 with lists of HHW, auto recycling, landfills, and other  
4 facilities. We also took the lead in putting together the  
5 CalEPA response on the websites.

6 --oOo--

7 EXECUTIVE DIRECTOR LEARY: There's our disaster  
8 preparedness and response wild fires' web page with many  
9 links to lists of other facilities and other CalEPA  
10 response websites.

11 I'd like to also inform you about the status of  
12 emergency waivers of permit terms and conditions. As you  
13 know, this process is first initiated when an operator  
14 makes a request to the LEA for a waiver. Once the LEA  
15 issues a waiver, the Executive Director can condition,  
16 limit, suspend, or terminate it if we determine that the  
17 use of the waiver would cause harm to public health and  
18 safety or the environment. Otherwise, I report to you, as  
19 I will today, on the granting of any waivers at the next  
20 scheduled Board meeting.

21 Thirteen separate waivers were issued in  
22 San Diego County in relation to the fires. Let me recap  
23 these very quickly. I can forward to you details behind  
24 all these waivers should you wish it.

25 In the city of San Diego, waivers were issued to



1 cover increased tonnage and related traffic for a period  
2 of three days at the EDCO recovery and transfer station  
3 and for the Sycamore Landfill, increased tonnage, related  
4 traffic, and extended hours for 30 days effective October  
5 28th.

6 In San Diego County, emergency waivers were  
7 issued for a period of 90 days to cover increased tonnage,  
8 related traffic, and extended hours for two landfills,  
9 Otay and Ramona; three transfer stations, Julia, Viejas,  
10 and Palomar; and five rural bin sites, Barrett Junction,  
11 Boulevard, Campo, Palomar Mountain, and Ranchita. And the  
12 County LEA issued a three-day waiver effective October  
13 27th to the EDCO transfer and processing station in La  
14 Mesa also for increased tonnage, related traffic, and  
15 extended hours.

16 Lastly, in communication with the LEAs, we've  
17 learned about a surprisingly modest amount of fire damage  
18 at solid waste facilities themselves. The Simi Valley  
19 Landfill and Recycling Center in Ventura sustained damage.  
20 Estimates were estimated to be as high as \$500,000. And  
21 in San Diego County, the Sycamore and West Miramar  
22 Landfills apparently sustained minor damage to tarps,  
23 mulched slopes, and some above-ground gas header lines. I  
24 plan to approve the waivers -- and I certainly must  
25 approve the EDCO waivers, given the ceremony this

1 morning -- I'm kidding. But we will go ahead and approve  
2 those waivers which I believe they are all certainly  
3 justified in light of the conditions.

4 Unrelated to the fire, I also need to report on  
5 the temporary waiver issued by the Sonoma County LEA for  
6 the Central Disposal Site near Petaluma. This waiver  
7 involved a stipulated agreement allowing the operator to  
8 operate beyond permitted hours for 15 days to comply with  
9 a regional board corrective action plan for gas control.  
10 The waiver allowed the operator to complete the  
11 construction of the gas monitoring and extraction system  
12 in a compressed time frame.

13 Now moving from the fire and waiver situation,  
14 I'd like to comment and amplify some comments made by  
15 Deputy Director Jordan at the Admin Committee regarding  
16 grants distribution. Today there are two grant awards for  
17 your agenda, to which I'd like to offer some brief  
18 preparatory remarks.

19 Back in November of 2001, the Board established a  
20 grant program policy promoting the award of funds  
21 proportionate to the geographic distribution of the  
22 state's population, north and south. I know the Southern  
23 California members and prior member Senator Roberti were  
24 very interested in making sure the proportionate amount of  
25 grant money went to Southern California.

1 CHAIRPERSON MOULTON-PATTERSON: We just want to  
2 be fair, Mr. Leary.

3 EXECUTIVE DIRECTOR LEARY: Absolutely. And we  
4 struggle with that, as you will remember, Madam Chair.  
5 Sixty-one percent of our population is located in Southern  
6 California and 39 in Northern California. But the Board  
7 staff responded to the Board direction, and I think we've  
8 embraced an accelerated approach working with a  
9 contractor. The Board's grant manager, Roger Ikemoto  
10 conducted six sessions of grant writing workshops; three  
11 sessions each in Los Angeles and Sacramento and sent  
12 approximately 12,000 flyers to grant program contacts  
13 making them aware of our grants program. These venues  
14 included participation in used oil forum last December in  
15 Pasadena, as well as the tire conference in Sacramento  
16 earlier this fiscal year.

17 It does appear our efforts are paying off. The  
18 geographic distribution of the two grant awards today are  
19 in the used oil opportunity grants, 56 percent of the  
20 applicants receiving passing scores were from Southern  
21 California, 43 percent from Northern California. And in  
22 regards to the waste tire playground cover grants, 65  
23 percent of the applications received with a passing score  
24 were from Southern California, 35 percent were from  
25 Northern California. We're getting that Southern

1 California participation like the Board wished.

2 Another subject, Sunset Magazine is linking with  
3 staff to do a green building expose. Green building staff  
4 and the home staff at Sunset Magazine have been exploring  
5 the creation of a green idea home to be designed and  
6 constructed and then showcased in Sunset Magazine. This  
7 home would showcase comprehensive green building practices  
8 like recycled content materials, water, and energy  
9 efficiency, good indoor air quality, low water  
10 landscaping, and job site recycling. Sunset  
11 representatives indicate they love the idea of forming a  
12 partnership with the Board to create such a home.

13 Significant lead time is needed to locate a  
14 suitable site for the home, identify a builder, put a  
15 design team together and products to incorporate. The  
16 idea home will be constructed in 2005 and be open to the  
17 public for a limited period of time. Sunset home staff  
18 anticipates the home will draw 600 to 1,000 visitors a day  
19 and for this reason the smallest size home that could be  
20 built was in the 2500 to 3000 square foot range and would  
21 likely have a large lot to showcase landscaping options.

22 I understand in today's paper Governor  
23 Schwarzenegger is looking for a home maybe here in  
24 Sacramento. Anyway, this will be a wonderful opportunity  
25 to showcase the Board's green building efforts.

1           And then finally, I somewhat apologize, although  
2   it's good news, for such a long report. I want to take a  
3   minute to offer a special thank you to one of our  
4   outstanding Board employees. In mid-November last year,  
5   Vicki Hanson, who you may know as the library lady,  
6   accepted a promotion from the library technical assistant  
7   to the staff services analyst to work in the grants  
8   administration unit. Two months into her assignment we  
9   suddenly found ourselves without a librarian, all together  
10   due to sudden illness of our senior librarian. Vicki  
11   agreed to return to the library and fill the unexpected  
12   void for the short term. That's a term -- we've given a  
13   new definition to Vicki's assignment.

14           With her commitment to the integrity of the  
15   library, Vicki selflessly agreed to suspend her on-the-job  
16   training in her new position to address this Board-wide  
17   need. Not only did she resume the duties of her previous  
18   position as a library technical assistant, but she also  
19   assumed the responsibilities of the senior librarian, all  
20   the while maintaining contact with her peers in the grants  
21   unit in an effort to stay in the loop.

22           Without Vicki's unending energy, professionalism,  
23   and commitment to exceptional service, the Board's library  
24   may have had to literally close its doors last January.  
25   Thank you, Vicki, for your excellent staff work and

1 indulging in our new definition of what "short term" means  
2 while we continue to work on a permanent resolution to  
3 maintain our essential library services.

4 Where is Vicki? Is she here today or is she in  
5 the library?

6 (Applause)

7 EXECUTIVE DIRECTOR LEARY: And with that, Madam  
8 Chair, I'll conclude my report.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you.

10 And on behalf the Board, Vicki, thank you so  
11 much. We really appreciate your dedication.

12 Mr. Leary, in regard to your report on the  
13 Southern California fires, I did want to pass along the  
14 Director of Forestry, Andrea Tuttle -- I spoke with her on  
15 Wednesday night and wanted to ask her, you know, if  
16 there's anything we could do or whatever and she just  
17 said, "Please, please commend your staff" for all the help  
18 that we had done. We were always there when we were  
19 needed and we've done everything that we possibly could.  
20 And she suggested maybe that myself or whoever would be  
21 interested to take a tour up there and see for yourself.  
22 It's really unbelievable, the devastation. But she said  
23 we just exceeded every request that she had.

24 EXECUTIVE DIRECTOR LEARY: Thank you so much for  
25 passing that on. It's so nice to hear from the other

1 folks. Thank you.

2 CHAIRPERSON MOULTON-PATTERSON: Please let our  
3 staff that's involved know. Thank you.

4 Okay. On to our agenda, I'd like to go over the  
5 agenda with you right now. We've had a number of changes.

6 Items 12, 15, 17, and 27 have been pulled from  
7 the agenda.

8 Items 6, 19, and 20 have been deleted from the  
9 agenda.

10 Items 4, 5, 8, 11, 16, 18, 26, 28, and 29 were  
11 Committee level only items. So we won't be dealing with  
12 those today.

13 Items 13, 14 revised, 21, 22 and 23 are on the  
14 proposed consent agenda.

15 Items 1, 2, 3 revised, 7, 9, 10, 24, and 25 will  
16 be heard by the Board today.

17 And there will be a closed session. If it's okay  
18 with my colleagues, I plan on having it right after lunch,  
19 if that is agreeable. And I see no objections. The  
20 closed session today after lunch will discuss personnel  
21 issues pursuant to Government Code 11126(a)1, and  
22 litigation matters, Government Code 11126(e).

23 And as I said, the proposed consent agenda was  
24 Items 13, 14 revised, 22 -- did I say 21-- 21, 22, and 23.

25 And are there any items that need to be pulled?

1 If not, may I have a motion.

2 Mr. Washington.

3 BOARD MEMBER WASHINGTON: Madam Chair, I'd like  
4 to move the consent items.

5 BOARD MEMBER PAPARIAN: Second.

6 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
7 by Ms. Washington, seconded by Mr. Paparian to approve on  
8 consent Items 13, 14 revised, 21, 22, 23.

9 Please call the roll.

10 SECRETARY WADDELL: Jones?

11 BOARD MEMBER JONES: Aye.

12 SECRETARY WADDELL: Medina?

13 BOARD MEMBER MEDINA: Aye.

14 SECRETARY WADDELL: Paparian?

15 BOARD MEMBER PAPARIAN: Aye.

16 SECRETARY WADDELL: Peace?

17 BOARD MEMBER PEACE: Aye.

18 SECRETARY WADDELL: Washington?

19 BOARD MEMBER WASHINGTON: Aye.

20 SECRETARY WADDELL: Moulton-Patterson?

21 CHAIRPERSON MOULTON-PATTERSON: Aye.

22 That brings us to new business agenda items.

23 Before we begin our agenda, Mr. Washington, would you like  
24 to give an update of your Committee? It's sprinkled  
25 throughout today's agenda.



1 BOARD MEMBER WASHINGTON: I have no report.

2 They're all through the entire items.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you.

4 Ms. Peace, would you like to give an update of  
5 your Committee? One item was pulled and the other two  
6 were Committee only.

7 BOARD MEMBER PEACE: We're not really going to  
8 hear anything today. But the Education and Public  
9 Outreach Committee heard a couple of items. Jerry  
10 Lieberman gave us a presentation of what our school DEEL  
11 and unified education strategy grantees have been  
12 accomplishing, and we discussed components of the  
13 education strategy. Highlights include that updates on  
14 the progress of the marketing task force will be brought  
15 to the Committee via the Office of Public Affair  
16 Director's report, that the staff will be bringing us an  
17 item on the issue of signage in January or February.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
19 Peace.

20 That brings us to Special Waste. Mr. Medina, as  
21 Chair of the Special Waste Committee, would you like to  
22 report?

23 BOARD MEMBER MEDINA: Yes, I would. Thank you,  
24 Madam Chair.

25 As Chair of the Special Waste Committee, I'd like

1 to report the following. The Committee heard five items  
2 and this is the outcome.

3 Item 1 was the consideration for the grant awards  
4 for the used oil opportunity program 7th cycle for fiscal  
5 year 2003 and 2004. The Committee placed this item on  
6 fiscal consensus.

7 Item 2 was the consideration of proposed  
8 allocations and concepts for consulting and professional  
9 services contracts for reused oil, fund, fiscal year  
10 2003/2004. This item generated discussions on future  
11 contract concepts regarding the management of the oil  
12 program. Due to the discussions that arose during the  
13 Committee, this item is being presented today.

14 Item 3 was the consideration of grant awards for  
15 the waste tire playground cover grant program for fiscal  
16 year 2003/2004 using current allocation and reallocation  
17 of available fiscal year 2003/2004 tire recycling  
18 management funds. Staff's recommendation included using  
19 800,000 from the tire recycling fund and 300,000 from the  
20 money allocated for energy recovery since the Board may no  
21 longer fund this type of project. One of the Committee  
22 members suggested staff use the 300,000 for energy  
23 recovery for next year's reallocation. The Committee  
24 followed this recommendation. The entire Board will get a  
25 chance to hear the item.

1 Items 4 and 5 were heard by Committee only.

2 These items were discussion of used oil, stormwater  
3 mitigation program, and discussion of the peer review  
4 process for the energy recovery from tires grant program  
5 for fiscal year 2002/2003.

6 Madam Chair that concludes my report from the  
7 Special Waste Committee.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you Mr.  
9 Medina.

10 That brings us to Item Number 1.

11 Mr. Lee.

12 DEPUTY DIRECTOR LEE: Thank you, Madam Chair, and  
13 good morning. Good morning, Board members. My name is  
14 Jim Lee with the Special Waste Division.

15 Board Item 1, consideration of the grant awards  
16 for the used oil opportunity grant program, 7th cycle,  
17 fiscal year 2003/2004. This item was heard by the Special  
18 Waste and the Budget and Administration Committees and  
19 recommended for consent.

20 Staff recommends that the Board award a total of  
21 \$3 million to identified applicants by approving the  
22 Resolution 2003-477.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you. And I  
24 understand this was approved at the Committee level.

25 Mr. Medina.

1 BOARD MEMBER MEDINA: Madam Chair, if there's no  
2 further discussion or questions regarding this matter, I'd  
3 like to move Resolution 2003-477, consideration of the  
4 grant awards for the used oil opportunity grant program,  
5 7th cycle for fiscal year 2003/2004 in amount of \$3  
6 million.

7 BOARD MEMBER JONES: I'll second.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 We have a motion by Mr. Medina, seconded by  
10 Mr. Jones to approve Resolution 2003-477. Without  
11 objection, substitute the previous roll call. That brings  
12 us to number 2.

13 Mr. Lee.

14 DEPUTY DIRECTOR LEE: Thank you, Madam Chair.

15 Board Item 2 is consideration of proposed  
16 allocations and concepts for consulting and professional  
17 services for used oil fund, fiscal year 2003/2004, status  
18 report on used oil recycling fund. This item was heard by  
19 the Special Waste and the Budget and Administration  
20 Committees and passed out of both Committees for  
21 consideration by the full Board. This action was taken  
22 because of questions and issues raised by Special Waste  
23 Committee members regarding one of the three proposed  
24 contract concepts.

25 I've asked Kristen Yee of my staff to address

1 these issues as part of her presentation to the Board this  
2 morning.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you. Good  
4 morning.

5 (Thereupon an overhead presentation was  
6 presented as follows.)

7 SPECIAL WASTE DIVISION SUPERVISOR YEE: Good  
8 morning. Good morning, Chairperson Moulton-Patterson and  
9 Board members. As Mr. Lee said, I'm here to discuss and  
10 request your consideration of the proposed allocation and  
11 contract concepts for the used oil fund for fiscal year  
12 2003/2004 and to report on the status of the used oil  
13 fund. That's Agenda Item 2.

14 --o0o--

15 SPECIAL WASTE DIVISION SUPERVISOR YEE: This year  
16 we have \$1.068 million of discretionary funds. This chart  
17 is Attachment 1 of your agenda item. What staff is  
18 proposing is that the \$667,000 be allocated to continue  
19 our statewide outreach projects.

20 --o0o--

21 SPECIAL WASTE DIVISION SUPERVISOR YEE: The goal  
22 of our statewide outreach project is: One, to promote the  
23 recycling of used motor oil in used oil filters; to  
24 increase the use of the 1-800 number, and to help the  
25 California citizens to locate their used oil recycling

1 center; thirdly is to increase the awareness of the need  
2 to recycle used oil and the filters; and fourthly to  
3 increase awareness of the environmental impacts of illegal  
4 disposal; and lastly, to increase awareness of the  
5 environmental impacts -- build awareness of acceptability  
6 of using re-refined motor oil in personal and fleet  
7 vehicles. These funds basically cover items that are  
8 invoiced and not under contract. And with these funds  
9 what we have done is we've purchased --

10 --o0o--

11 SPECIAL WASTE DIVISION SUPERVISOR YEE: --  
12 premium items, supported education and outreach activity,  
13 and we've advertised in magazines. This is one ad that we  
14 have in the governmental fleet magazine. And our data has  
15 shown that 83 percent of state agencies do purchase  
16 re-refined oil. However, at the local level, it's not  
17 reported. So advertising in this magazine will alert and  
18 make local government aware of the availability.

19 --o0o--

20 SPECIAL WASTE DIVISION SUPERVISOR YEE: We also  
21 advertise and survey at sports events. This is one of the  
22 eleven minor league teams that we do support. This is an  
23 actual 8-feet by 16-foot sign that is at the Visalia Oaks  
24 Stadium in Visalia. In addition to the minor league games  
25 taking place there and people can see the billboard, we

1 also have junior college and high school baseball games  
2 taking place at the ballpark. We advertise at the local  
3 ballpark because it allows the local grantees to get  
4 involved.

5           And we also think this is an effective medium of  
6 getting the message out to our large target group. Our  
7 research has shown that our target group of young males  
8 between the ages of 18 and 44 tends to attend sports  
9 events. So during the baseball games, we do take surveys  
10 to help us identify the oil recycling practices. And what  
11 we have found from our research through the San Francisco  
12 State University is that do-it-yourselfers -- or the DIYer  
13 is what we call them -- shows there's 19 percent of  
14 California population are DIYers. At the ballpark we  
15 found that 23 percent of the 10 Ds were DIYers in 2002.  
16 And then the surveys we took this year in 2003 there was  
17 an increase to 32 percent were DIYers.

18           So we are advertising, we think, to the right  
19 target group and we are educating them about recycling  
20 used oil and how to find collection centers through our  
21 1-800 number. In 2003 through our surveys we found that  
22 51 percent responded they had knowledge of the 1-800  
23 number. In 2003 it increased to 56 percent. So in the  
24 season, over 1.6 million attend all these different minor  
25 league baseball games. So we found there are some

1 successes in advertising at local sports events.

2 --o0o--

3 SPECIAL WASTE DIVISION SUPERVISOR YEE: Another  
4 place where we advertise -- this is an ad that we put in  
5 the DMV handbooks. This is distributed in seven different  
6 languages, and actually there's like 6.9 million copies  
7 that are distributed statewide and not the 4.5 million  
8 that I thought it was.

9 We advertise in the DMV handbook because there  
10 are over 13 million registered drivers in California.  
11 Again, the research on DIYers has shown that DIYers are  
12 highest with the 18 to 29-year-olds, thus suggesting that  
13 new drivers are plausible targets for outreach.

14 In addition, immigrants and migrant workers are  
15 more likely to improperly dispose. So if these groups are  
16 getting their license for the first time or they have to  
17 renew their license, they will see our used oil ad in the  
18 DMV handbook and make them aware of the used oil program  
19 as well as the 1-800 number. As I said before, it is  
20 printed in seven different languages which benefits the  
21 immigrant population where English is not their first  
22 language.

23 --o0o--

24 SPECIAL WASTE DIVISION SUPERVISOR YEE: All that  
25 I've discussed so far does come from this proposed



1 statewide outreach activity for 677,000. The 677,000 also  
2 includes the allocation request from the Office of  
3 Integrated Environmental Education for \$10,000. It also  
4 includes the recycled products trade show for \$50,000.  
5 The recycled product trade show as well as Calmax WRAP has  
6 been committed a baseline funding of \$50,000 and \$33,000  
7 respectively. That was based on a policy decision made by  
8 the Budget and Administrative Committee back in November  
9 7th, 2001. The 33,000 for CalMax WRAP has been allocated  
10 through the Board's administrative line items of the used  
11 oil recycling fund. The \$36,000 that you see there for  
12 mandatory service supports our student assistants.

13           So from the \$1.086 million, you subtract the  
14 mandatory services as well the statewide outreach  
15 activity, we have a remaining balance of \$355,000.

16           From the remaining \$355,000, staff is proposing  
17 allocation to three contract concepts. Staff believes  
18 these contract concepts are central to the core efforts of  
19 the used oil program, which is to decrease illegal  
20 dumping, to increase our recycling rates, and to address  
21 the needs of our stakeholders.

22                               --o0o--

23           SPECIAL WASTE DIVISION SUPERVISOR YEE: The first  
24 contract concept is to the marina oil collection. And the  
25 California Coastal Commission is the contractor for this

1 contract concept. What they did is make an assessment of  
2 the need of oil collection facilities throughout the  
3 California marinas. And this will help -- what they will  
4 do is create maps of all the marinas located using GIS and  
5 they will laminate it for distribution to all of the  
6 boating community. The Coastal Commission will also  
7 continue to do their outreach and educational dock walking  
8 program. This contract concept is proposed at \$50,000.

9           The second contract concept we're proposing is  
10 the annual used oil HHW conference. The Board sponsors  
11 the annual conference bringing together local government  
12 and nonprofit grantees, recyclers, oil industry personnel,  
13 or any individuals involved in used oil household  
14 hazardous waste issues. This gives the stakeholders  
15 opportunities to network, exchange information, ideas, as  
16 well as expose the locals to the technology and programs  
17 that aren't available. This contract concept is proposed  
18 at \$130,000.

19                               --o0o--

20           SPECIAL WASTE DIVISION SUPERVISOR YEE: And our  
21 last contract concept is the certified center outreach.  
22 And the purpose of this contract is to increase the number  
23 and distribution of the auto parts store collection  
24 centers by developing a marketing plan and conducting a  
25 cost benefit study.

1           What we do know from our research is that more  
2 DIYers are willing to recycle their oil if they're  
3 conveniently located to their homes. Also there's been  
4 times when the tanks are often full where they take in  
5 their used oil to collection centers. And collection  
6 centers do not always have sufficient tank capacity, and  
7 they don't collect the filters.

8           So knowing all this, the logical response would  
9 be to have existing collection centers perhaps get another  
10 tank or get a bigger tank or have the hauler come more  
11 often to meet the capacity need. And it sounds like an  
12 easy solution, but what we have found with most collection  
13 centers is they can't accommodate that request. And the  
14 reason is that most collection centers do not have the  
15 physical space to add another tank or to get a bigger  
16 tank. Also they also negotiate hauling contracts that  
17 can't be modified. So to increase capacity for those who  
18 do bring in recycling oil, it would require more  
19 collection centers to be available.

20           And in this contract concept what we are  
21 targeting specifically are auto part stores to become a  
22 certified collection center. And the reason for this is  
23 because our data has shown that auto part stores do  
24 collect 250 percent more than all other sources of oil  
25 collection. So oil collections at the auto part stores

1 are coming from the DIYers. Also when DIYers are taking  
2 their oil in to recycle, we found that they also make  
3 their next purchase at the auto part store. So this is  
4 really a win-win situation for us, the Board, because the  
5 DIYers are properly recycling their oil. And it's a win  
6 for the business because the DIYers are actually spending  
7 money at the store.

8           And also we have found that currently there's  
9 only 20 percent of all auto part stores in California that  
10 are participating in this program. So this contract  
11 concept will actually locate all the auto part stores  
12 throughout the state of California, map it out so that the  
13 grantees will know where the auto part stores are and  
14 which ones are actually a certified collection center. It  
15 will also help them see who they -- they can position  
16 their collection center relative to their target  
17 population. It will also help determine how much a DIYer  
18 spends when they take their oil to a collection center, to  
19 an auto part store. And it will also help them to  
20 identify what it takes for an auto part store to become a  
21 collection center.

22           Lastly, it will also help the local governments  
23 to recruit auto part stores as a collection center. And  
24 one of our concerns is that this is not just another study  
25 that we're doing that's going to be shelved. So to avoid

1 that, what we've put in our contract concept -- it will be  
2 part of our scope of work as we develop it -- is we'll  
3 have the contractor, as part of the contract, to actually  
4 apply what they've learned in the information that they've  
5 gathered. And what they're required to do is recruit some  
6 auto part stores to become certified collection centers.  
7 So this would actually help validate whether what they've  
8 identified to help recruit auto part stores really is  
9 working, and that will be a tool for our local grantees to  
10 use.

11 So with all this information, we do believe that  
12 we can increase the number of auto part stores as  
13 certified collection centers. It would increase the  
14 capacity. It would increase the disposal convenience for  
15 DIYers. And it would offer local governments selling  
16 points for recruitment and ultimately increasing our  
17 recycling rate.

18 And we think that they are building on  
19 information and research that we know is successful in  
20 collecting used oil. This contract concept is proposed at  
21 \$175,000. So funding these three contract concepts would  
22 leave us a balance in the education outreach activity line  
23 item -- so it will leave us with a balance of zero once we  
24 do the three contract concepts.

25 That concludes my allocation contract concept

1 presentation. What staff recommends is that the Board  
2 approves the proposed allocation contract concept for  
3 fiscal year 2003/04 and adopt Resolution 2003-478.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Questions?

6 Mr. Paparian.

7 BOARD MEMBER PAPARIAN: Madam Chair, I appreciate  
8 Ms. Yee's presentation. I think she addressed a number of  
9 the questions that came up in the Committee. If there's  
10 no other questions, I'm happy to move it.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones has a  
12 question, and then we'll go back to you, Mr. Paparian.

13 BOARD MEMBER JONES: Thanks, Madam Chair,  
14 Mr. Paparian. I appreciate it.

15 You know, I appreciate the work that staff did on  
16 this contract concept for this \$175,000. I just have a  
17 couple of issues because I still can't support it the way  
18 it's written.

19 I have a couple of issues. Twenty percent of the  
20 auto part stores have gone out of their way to put these  
21 collection centers in their stores. The state sold them  
22 on the idea they would get increased business as a result  
23 of that, which they have. But in the report it shows that  
24 these centers either have full tanks or some other reason  
25 for not getting -- for not having the capacity for

1 citizens or customers to drop off their oil.

2           Every time a truck pulls into any center to pick  
3 up the oil, it costs that auto part store anywhere from 40  
4 to \$75 to have the oil hauled away. That's not money that  
5 is provided by the state. That is money that comes out of  
6 their cash register. So you know, there is a loss leader  
7 there that people will come in and spend \$10, and of the  
8 \$10, a buck and a half is profit or a buck 90, whatever  
9 the item is. I understand the economics.

10           What I don't understand is if they don't have  
11 capacity to take the oil -- and Ms. Yee said some of them  
12 don't have tanks big enough -- I think what we need to be  
13 doing is concentrating on that 20 percent and finding out  
14 what are the obstacles for them in getting the material,  
15 because clearly I'm not convinced that we can't do some  
16 more asking, surveying all of those centers to find out  
17 what it is, what their obstacles are, and ask how often is  
18 the oil picked up? Are they on a route so they don't pay  
19 the 75 when they can pay 50 because the truck's in the  
20 area and is picking up all the centers at the same time?

21           I think that that would do a couple of things. I  
22 think the survey would make those people feel like their  
23 efforts are appreciated, because what this is proposing to  
24 do is take the 20 percent that have been with us and find  
25 more competitors, find more outlets, you know, which in

1 some areas may mean these guys no longer get the edge that  
2 the state had told them they were going to get when they  
3 put in these centers. I think that's one.

4 I also think that 1-800 cleanup lists all these  
5 centers, so we have a GIS of where these centers are. I  
6 think we need to really survey them to get an idea of what  
7 they need and then spend the 175,000 or what's left on  
8 what the needs are, as opposed to a study that's going to  
9 identify more people that could have no capacity or  
10 limited capacity. I think you're biting the hand that  
11 feeds you.

12 So, you know, I have no problem with the 677. I  
13 have no problem with the other two concepts. But I still  
14 think that we really need to look at those 20 percent, who  
15 have been with us all the way, what they need to be more  
16 successful.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
18 Mr. Jones.

19 Mr. Lee.

20 DEPUTY DIRECTOR LEE: Yes, Madam Chair. I'd like  
21 to provide a little more perspective on this.

22 We feel that we do have a pretty good handle on  
23 what the 20 percent are doing. The fact of the matter is  
24 that most of these auto part stores, you know, participate  
25 with us because, again, it's something they feel they can



1 fit in with their existing operation. And because on most  
2 of their experience, again, some commensurate increase in  
3 their traffic in the store which translates into better  
4 sales. So you know, this 20 percent is willing to  
5 cooperate with us to a degree. But they're not willing to  
6 incur inordinately large capital expenses in order to  
7 address needs in our program.

8           So the bottom line is, yeah, they're in with us,  
9 but again, you know, only to a point. So again, it's not  
10 that we're avoiding looking at the 20 percent. But we  
11 feel that we'll get the most bang for our buck are trying  
12 to get more people into the program, as opposed to trying  
13 to address already understood problems with the 20 percent  
14 that we really can't address. So again, that's our  
15 response on the first situation.

16           I think with regards to using GIS from the 1-800  
17 cleanup, I think the 1-800 cleanup certainly is out there  
18 and does perhaps address this to a limited degree.  
19 However, we're trying to put a tool in the hands of the  
20 local jurisdictions, a little more of a visual aid, if you  
21 will, something that, again, they can utilize to approach  
22 these centers that we're going to try to identify for them  
23 to try to increase their used oil and recycling efforts.

24           CHAIRPERSON MOULTON-PATTERSON: Thank you.

25           BOARD MEMBER MEDINA: Madam Chair, I'd like to

1 second the resolution and just say that I think these auto  
2 part stores are critical, particularly to the  
3 do-it-yourselfers and critical that we reach more than the  
4 20 percent that we have now.

5 I think Mr. Jones' points are well taken  
6 regarding working with the 20 percent that we already  
7 have. But I think that we really do need to go way beyond  
8 20 percent.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you. So we  
10 have a motion by Mr. Paparian, seconded by Mr. Medina to  
11 approve Resolution 2003-478.

12 Oh, Mr. Jones, before we vote, would you like to  
13 make a last point?

14 BOARD MEMBER JONES: Just one question.

15 If Mr. Lee says they know the problems with that  
16 20 percent, I'd like to see a copy of it some day, because  
17 clearly, that hasn't been delivered, other than a copy of  
18 anecdotal things. And as an operator of the oil recycling  
19 centers, lots of them throughout the state of California,  
20 I will tell you that any time somebody did not pay me to  
21 haul away the stuff, that I said, "Well, then, forget it.  
22 I'm not going to put it here." That's not the same issue  
23 that these auto parts stores have, but I'm telling you  
24 that this is -- there is more to this. But if the study  
25 will let you know there's all kinds of people and it's

1 kumbaya, that's fine. But the reality is this costs  
2 money, and I haven't seen anything that tells me that you  
3 understand the problems of those 20 percent. Nothing.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you.

5 Mr. Paparian.

6 BOARD MEMBER PAPARIAN: Just briefly, Madam  
7 Chair.

8 I think Mr. Jones does bring up some good points,  
9 but I would like to see us pursue some of those as other  
10 moneys become available. I think we have two sets of  
11 players. We have the players who aren't taking it now and  
12 the players that are taking it now. There is some stuff  
13 in this contract concept addressing some issues involving  
14 those who take it now, but I think that Mr. Jones' points  
15 are good that we maybe ought to explore some of their  
16 needs further in the future. But again, from my  
17 perspective, I think this is fine the way it is. But we  
18 may need an add-on later to look at issues involving the  
19 existing centers and what we can do to bolster them.

20 CHAIRPERSON MOULTON-PATTERSON: Ms. Yee.

21 SPECIAL WASTE DIVISION SUPERVISOR YEE: In terms  
22 of the collection centers, it's true what Mr. Jones said.  
23 It is a loss leader for collection centers that are at  
24 transfer station and at landfills. And in those cases we  
25 need -- the grantees do support and pay for the hauling

1 costs at transfer stations. But at commercial facilities,  
2 such as your Kragen and your auto parts stores, they do  
3 bring in foot traffic. And there is a net profit to them,  
4 which is why we are targeting auto part stores only.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
6 Ms. Yee.

7 We have a motion by Mr. Paparian, seconded by Mr.  
8 Medina to approve Resolution 2003-478.

9 Please call the roll.

10 SECRETARY WADDELL: Jones?  
11 Medina?

12 BOARD MEMBER MEDINA: Aye.

13 SECRETARY WADDELL: Paparian?

14 BOARD MEMBER PAPARIAN: Aye.

15 SECRETARY WADDELL: Peace?

16 BOARD MEMBER PEACE: Aye.

17 SECRETARY WADDELL: Washington?

18 BOARD MEMBER WASHINGTON: Aye.

19 SECRETARY WADDELL: Moulton-Patterson?

20 CHAIRPERSON MOULTON-PATTERSON: Aye.

21 We are going to take a ten-minute break right now  
22 because the next item might be a little lengthy.

23 (Thereupon a recess was taken.)

24 CHAIRPERSON MOULTON-PATTERSON: I'd like to call  
25 the meeting back to order, please.

1 Any ex partes?

2 Mr. Jones.

3 BOARD MEMBER JONES: Larry Sweetser and I talked  
4 about household hazardous waste.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Ms. Peace.

7 BOARD MEMBER PEACE: None.

8 CHAIRPERSON MOULTON-PATTERSON: I have none.

9 Mr. Medina.

10 BOARD MEMBER MEDINA: None to report.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you.

12 Mr. Paparian.

13 BOARD MEMBER PAPARIAN: I spoke with Mark Aprea  
14 about the Colton transfer station and about the Governor's  
15 Executive Order on regulations.

16 CHAIRPERSON MOULTON-PATTERSON: Thank you.

17 Mr. Washington.

18 BOARD MEMBER WASHINGTON: I have none.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you.

20 That brings us to Item Number 3.

21 Mr. Lee.

22 DEPUTY DIRECTOR LEE: Thank you.

23 Board Item 3 is consideration of grant awards for  
24 the waste tire playground cover grant program for fiscal  
25 year 2003/2004 using the current allocation and

1 reallocation of available fiscal year 2003/2004 tire  
2 recycling management funds.

3           Please note that despite the agenda item title,  
4 this item has, in fact, been revised to reflect Special  
5 Waste and Budget and Administration Committee input  
6 relative to the proposed reallocation. Specifically,  
7 pursuant to Committee direction, staff have removed from  
8 consideration the proposed use of reallocated funds for  
9 this item and has proposed awards based solely upon the  
10 800,000 five-year plan allocation for this item.

11           Although staff feels our original proposal had  
12 merit, we acknowledge and understand Committee members'  
13 preference for dealing with reallocation items as a  
14 separate and comprehensive agenda item traditionally  
15 brought forward in May of each year and not piecemeal  
16 through individual award items. Future items that staff  
17 brings forward to the Board will be responsive to that  
18 consideration.

19           With that introduction, Linda Dickinson will make  
20 a brief presentation to the Board on this item.

21           CHAIRPERSON MOULTON-PATTERSON: Good morning.

22           MS. DICKINSON: Good morning. I'm Linda  
23 Dickinson from the Special Waste Division.

24           A little background, the five-year plan approved  
25 by the Board at its May 2003 meeting designated 800,000

1 from the waste tire playground cover grant program for  
2 five years beginning in fiscal year 2003/2004. Staff  
3 mailed out more than 4,000 notice of funds available  
4 statewide to cities, counties, school districts, special  
5 districts, colleges, and Indian tribes.

6           The Board received 48 grant applications and two  
7 were disqualified and 46 were eligible for the evaluation  
8 process. Forty-six applications were evaluated using the  
9 criteria approved at the April 2003 Board meeting.  
10 Thirty-nine applications received a passing score and are  
11 eligible for funding. Seven applicants did not receive a  
12 passing score.

13           The Special Waste Committee and their  
14 recommendation was to make changes to the resolution and  
15 bring those changes to the full Board. Those changes are  
16 represented in the second revision of the resolution that  
17 you should have. Adjustments have been made to reflect  
18 funding of passing applicants using only the 800,000  
19 allocation in the five-year plan.

20           At its November 2001 Board meeting, the Board  
21 approved a geographic distribution of funds for grant  
22 programs between Southern and Northern California. This  
23 means funding is split based on the Department of Finance  
24 population percentages. Staff used the geographic  
25 distribution of funding, otherwise known as the

1 north/south split, to distribute the funding for the  
2 playground cover grant program. Consequently, six of the  
3 39 passing applicants will not be funded during this award  
4 process. Those six passing but not funding applicants are  
5 the city of La Cuesta, the city of Laguna Hills,  
6 Los Angeles County, city of La Costa Mesa, city of Signal  
7 Hill, and South Bay Union School District.

8 Staff has revised the resolution based on  
9 direction from the Special Waste Committee and is  
10 presenting the second revised Resolution Number 2003-479  
11 for a combined total of \$791,843.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
13 Ms. Dickinson.

14 Any questions? Comments?

15 Mr. Washington.

16 BOARD MEMBER WASHINGTON: Just quickly. Can you  
17 tell me again why the six didn't receive funding? I'm  
18 sorry. I didn't hear you clearly.

19 MS. DICKINSON: Well, they passed, but we  
20 received a lot more Southern California applicants.  
21 Two-thirds of the applicants were from Southern  
22 California, or 65 percent of the passing applicants were  
23 from Southern California. So with the split of 61  
24 percent/39 percent, that means because Southern California  
25 had more passing, they don't get funded when you do the



1 whole mathematical 61/39.

2 BOARD MEMBER WASHINGTON: For instance, use L.A.  
3 County. How did you determine to take out L.A. County?

4 MS. DICKINSON: You base it on their scores. And  
5 because they had a lower score --

6 BOARD MEMBER WASHINGTON: All right. Thank you.

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

8 BOARD MEMBER MEDINA: I just wanted to correct  
9 something on the resolution. In the resolution in the  
10 "now further be it further resolved," in regard to the  
11 amount of money --

12 MS. DICKINSON: Yes.

13 BOARD MEMBER MEDINA: It says, "seven hundred  
14 nine hundred." It should be -- where it says 791,843, it  
15 reads, "seven hundred nine hundred and one thousand."

16 DEPUTY DIRECTOR LEE: Thank you, Mr. Medina.

17 MS. DICKINSON: Okay. We can make that change.

18 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.  
19 I see no -- Mr. Jones.

20 BOARD MEMBER JONES: Madam Chair, I apologize. I  
21 don't have a copy of the resolution with me, but I know  
22 the motion included acknowledging that all of these had  
23 passed and that when the Board did future -- or did that  
24 reallocation of \$300,000, that if the Board chose this as  
25 one of the programs, they'd all get it. Is that still

1 in -- because that was the direction we gave the  
2 Committee; right?

3 BOARD MEMBER MEDINA: Yes, it was.

4 BOARD MEMBER JONES: I apologize. This is  
5 probably sitting on my desk.

6 CHAIRPERSON MOULTON-PATTERSON: I appreciate  
7 that.

8 BOARD MEMBER JONES: As long as that's  
9 included --

10 CHAIRPERSON MOULTON-PATTERSON: Did you withdraw  
11 your comment, Mr. Paparian? Thank you.

12 Mr. Medina.

13 BOARD MEMBER MEDINA: Madam Chair, I'd like to  
14 move Resolution 2003-479, Revision 2, consideration of  
15 grant awards for the waste tire playground cover grant  
16 program for fiscal year 2003/2004 using the current  
17 allocation and reallocation of available fiscal year  
18 2003/2004 tire recycling management funds.

19 BOARD MEMBER PAPARIAN: Second.

20 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
21 by Mr. Medina, seconded by Mr. Paparian.

22 Please call the roll.

23 SECRETARY WADDELL: Jones?

24 BOARD MEMBER JONES: Aye.

25 SECRETARY WADDELL: Medina?

1 BOARD MEMBER MEDINA: Aye.

2 SECRETARY WADDELL: Paparian?

3 BOARD MEMBER PAPARIAN: Aye.

4 SECRETARY WADDELL: Peace?

5 BOARD MEMBER PEACE: Aye.

6 SECRETARY WADDELL: Washington?

7 BOARD MEMBER WASHINGTON: Aye.

8 SECRETARY WADDELL: Moulton-Patterson?

9 CHAIRPERSON MOULTON-PATTERSON: Aye.

10 Thank you for all your work on this.

11 That brings us to Permitting and Enforcement.

12 And, Mr. Paparian, as Chair of the Committee, do  
13 you have a report you'd like to give?

14 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.  
15 Very briefly.

16 There were eight items on the Committee's agenda.  
17 Two of those we dealt with already on the consent  
18 calendar. One item is on the fiscal consent calendar.  
19 That's the farm and ranch cleanup program. We had two  
20 discussion items or Committee only items. And I should  
21 report very briefly on those.

22 One of them was related to the conversion  
23 technology regulations, and we authorized the staff to go  
24 ahead to begin the regulation process, but keeping in mind  
25 as that information becomes available from various studies

1 that are ongoing related to conversion technologies, that  
2 the outcomes of those studies need to be taken into  
3 account as the conversion technology regulations go  
4 forward.

5           The other Committee only item was a discussion of  
6 the Board serving as the local enforcement agency, which  
7 we do in several jurisdictions that don't have their own  
8 LEA. Staff gave us an excellent presentation on that, and  
9 I think there's some written material in the binder, which  
10 I would point Board members to if you want some more  
11 background on that.

12           And then finally we have three items coming to  
13 the -- actually, two items coming to the full Board. I  
14 think one was put off. That's in addition to the fiscal  
15 consent item. We have the landfill compliance study item,  
16 which we're going to hear in just a second. We have  
17 adoption of proposed landfill closure loan program  
18 regulations. And then the nursery products item I  
19 understand has been put off from this agenda -- pulled  
20 from this agenda. And maybe Howard might be able to fill  
21 us in a little more on what's happening with that.

22           CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you  
23 very much, Mr. Paparian.

24           Before I go to Ms. Packard for Item Number 7, did  
25 you wish to comment, Mr. Levenson, before Item 7?

1           DEPUTY DIRECTOR LEVENSON: Madam Chair, I'll just  
2 indicate that on November 12th in a letter addressed to  
3 you as Chair and to Mr. Leary as Executive Director, the  
4 LEA indicated that they had received a letter from the  
5 city attorney from the city of Adelanto. And based on  
6 that letter, the LEA found the nursery product application  
7 incomplete and was requesting the permit be taken off the  
8 calendar. So we do not anticipate that coming back, at  
9 least for some time, pending environmental review to local  
10 level.

11           CHAIRPERSON MOULTON-PATTERSON: Thank you for  
12 that update.

13           Ms. Packard.

14           POLICY AND ANALYSIS OFFICE ASSISTANT DIRECTOR  
15 PACKARD: Thank you, Madam Chair. Good morning, Board  
16 member. Rubia Packard with the Policy and Analysis  
17 Office.

18           Today we are presenting Agenda Item Number 7,  
19 presentation and discussion of the draft Task 7 report of  
20 the landfill facility compliance study, which is the study  
21 of emerging technologies in waste management. Bobbie  
22 Garcia, our project manager for the Policy Office, will  
23 provide a brief introduction and update on the project as  
24 a whole, and then we also have with us today two members  
25 of the team from GeoSyntec that have worked on this

1 project -- or this particular report. Julie Holmes Ryan  
2 is here with us and also Michael Minch. And they will  
3 make the presentation to the Board on the report itself.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
5 Ms. Packard. Ms. Garcia.

6 (Thereupon an overhead presentation was  
7 presented as follows.)

8 MS. GARCIA: Good morning. The item today is a  
9 presentation and discussion of the draft Task 7 report,  
10 which is part of Phase II of the Board's landfill study.  
11 The draft report identifies new, emerging, and advanced  
12 technologies, as well as new approaches, that if applied  
13 in California could possibly improve or enhance the  
14 operation of California's MSW landfills across the  
15 environmental media of air, water, and gas.  
16 GeoSyntec Consultants, the contractor for the study, is  
17 here today to present the draft report including key  
18 findings. Before I turn it over to Julie Ryan and Michael  
19 Minch, I want to review the status of the landfill study.

20 --o0o--

21 MS. GARCIA: Under Phase I, Task 1, that's the  
22 checklist of pertinent environmental regulatory  
23 requirements. That was completed April 11th, 2002.

24 Task 2, which was the cross-media inventory of  
25 224 MSW landfills, was completed April 9th, 2003.

1 Task 3, which was the Phase I report that  
2 summarizes the results of a screening analysis that was  
3 performed on the cross-media inventory of the 224  
4 landfills, which was done to better understand  
5 environmental performance, that was completed and  
6 presented to the Board at last month's meeting, October  
7 15th, 2003.

8 --oOo--

9 MS. GARCIA: Under Phase II, Task 4, which is the  
10 more in-depth look at 53 of the MSW landfills to better  
11 understand if their environmental performance is related  
12 to current regulation, the contractor is currently  
13 gathering information on this part or for this task.

14 Task 5 is the Phase II report that summarizes the  
15 results of an analysis performed on the more in-depth Task  
16 4 information. And this is being done to better  
17 understand regulatory effectiveness. This is scheduled  
18 for February 2004 at the Board meeting.

19 Task 6 is the evaluation of selected states' and  
20 countries' MSW regulations and identification of those  
21 that could improve California's program if applied in  
22 California. That is scheduled to go before the full Board  
23 January 2004.

24 Task 7, again, is the report on emerging  
25 technologies. That is being presented today to the Board.

1           And Task 8, which is the final report that  
2 summarizes the results of the study is scheduled for April  
3 2004 at that Board meeting.

4           So thank you. And do you have any questions or  
5 comments on the schedule? If not, I'll turn the  
6 presentation over the Julie Ryan and Mike Minch from  
7 GeoSyntec.

8           CHAIRPERSON MOULTON-PATTERSON: Right. I see no  
9 questions, so welcome and please come forward.

10          (Thereupon an overhead presentation was  
11 presented as follows.)

12          MS. RYAN: Thank you, Madam Chair, and thank you  
13 to the Board for allowing me to come today and present to  
14 you the results of the studies of emerging technologies  
15 for MSW landfills that has been performed in conjunction  
16 with Task 7 of the landfill compliance study.

17          As Bobbie indicated, my name is Julie Ryan. I'm  
18 a project engineer with GeoSyntec Consultants, and I have  
19 performed the literature review, served as the task  
20 coordinator, and was the primary author of this study of  
21 emerging technologies.

22          Michael Minch is here with me today. He's been  
23 the task coordinator of several of the other tasks in  
24 conjunction with the landfill compliance study, and he's  
25 here to help me answer any questions that you might have.



1           And not present today is Dr. Edward Kavazanjian.  
2   He served as the senior consultant and reviewer for this  
3   task. He provided guidance and recommendations based on  
4   his extensive experience in waste management. But he  
5   couldn't be with us today.

6           It should be recognized that this project has  
7   really been a collaborative effort between GeoSyntec and  
8   the Board. The Board staff has provided extensive input  
9   and assistance to us in this project and really has helped  
10   us to come to a successful completion of this task.

11                               --o0o--

12           MS. RYAN: The primary goals of the Task 7 report  
13   were five-fold.

14           First, we wanted to identify emerging  
15   technologies in waste management to be considered for  
16   application in California. These were defined based on  
17   input from industry experts and review of exiting  
18   documentation.

19           Second, we wanted to develop a set of topics by  
20   which all of the technologies selected would be evaluated.  
21   A brainstorming session was held to define the topics of  
22   interest and really to define the structure of the report.

23           Third, we performed an extensive review of the  
24   technologies using existing documentation as a primary  
25   source, and it allowed us to develop a detailed discussion

1 of each of the technologies.

2 Fourth, we summarized the applicability and the  
3 potential for each technology for application in  
4 California. This was done in each of the individual  
5 sections of the report where the technologies were  
6 discussed, and then again in Section 7 where we wanted to  
7 be able to put all of the information on the application  
8 of these technologies in California in one spot for easy  
9 use.

10 And lastly, we developed a short list of  
11 technologies that were considered in the report, which we  
12 expect to be the most likely candidates for application in  
13 California.

14 --o0o--

15 MS. RYAN: This slide presents the major  
16 categories of technologies that were considered in the  
17 study. The four major categories are pre-disposal waste  
18 treatment technologies. This category includes  
19 technologies that are applied before disposal of waste to  
20 the landfill and often includes technologies that are  
21 actually applied off site from the landfill.

22 The second category is landfill design  
23 technologies. This category includes technologies that  
24 are applied to new landfill cells and incorporates  
25 specially-designed landfill components.

1           The third category is landfill remediation  
2 technologies. These are technologies that are most often  
3 applied to existing landfill cells, especially to allow  
4 beneficial reuse of landfill byproducts, to reduce harmful  
5 effects of byproducts, or to accelerate degradation of the  
6 waste.

7           And the fourth category is industrial standards,  
8 certifications, and guidance documents. This category is  
9 fundamentally different than the other three in that it  
10 primarily addresses landfill management practices and  
11 landfill design practices.

12                               --o0o--

13           MS. RYAN: Next we developed a list of topics by  
14 which each of the technologies would be evaluated. This  
15 slide represents the structure of the report and a  
16 detailed discussion of each of the technologies provided  
17 in the report for each of these topics. This is provided  
18 in Sections 3 through 6 of the report.

19                               --o0o--

20           MS. RYAN: At the end of the report in Section 7  
21 we also took the key points that had been discussed in the  
22 narrative Sections 3 through 6 and developed a summary in  
23 tabular form. This slide is an excerpt from that table,  
24 which is a pretty lengthy table. But it provides all the  
25 key points that have been discussed in the narrative for

1 easy reference.

2 --o0o--

3 MS. RYAN: Of considerable interest to the Board  
4 is the applicability of each of these technologies in  
5 California. A detailed discussion of applicability to  
6 California is included in the discussion of the individual  
7 technologies in Sections 3 through 6, and then it is  
8 repeated in Section 7 of the report because it is so  
9 important.

10 How we performed this evaluation was we took all  
11 the information that we collected from the various  
12 documents that we reviewed and evaluated each of these  
13 criteria that are listed on this slide and how each of the  
14 technologies would perform. It should be recognized that  
15 with respect to environmental benefit, which is the first  
16 point on this slide, degradation of the waste mass is a  
17 primary concern. As the waste degrades, the potential for  
18 environmental hazard is reduced. And the term waste  
19 degradation is going to come up repeatedly in this  
20 presentation.

21 --o0o--

22 MS. RYAN: This slide depicts another summary  
23 table that was provided in Section 7 of the report.  
24 Again, this is a table just to identify the key points of  
25 applicability to California of each of the technologies

1 that are considered in the study. And this is just an  
2 excerpt.

3 --o0o--

4 MS. RYAN: In evaluating the applicability of the  
5 various technologies to California and to tie this task  
6 together with the rest of the landfill compliance study,  
7 we wanted to compare the list of technologies that we've  
8 evaluated with the results of the cross-media inventory,  
9 the database that was developed in conjunction with task  
10 2. In doing that, we quarried emerging technologies in  
11 the database, and this slide shows a list of how many  
12 occurrences of each of the technologies came up in the  
13 database.

14 It should be recognized that this list is not  
15 complete for California as a whole. There's several  
16 things that might lead an emerging technology to be  
17 emitted from the database, such as some of the predisposal  
18 technologies are applied off landfill. So they would not  
19 occur in the landfill compliance study database. Another  
20 thing is some of the technologies, such as evaporative  
21 transfer cover systems, otherwise known as monolithic  
22 covers, are used fairly commonly and may not be recognized  
23 as an emerging technology.

24 Some of the notable sites that came up in our  
25 quarry on the database includes the Yolo County bioreactor

1 program. That has been mentioned earlier today. This is  
2 one of the forerunners in bioreactor technology in the  
3 country, and this program has been going on since the  
4 1990s. It's the first bioreactor program in the state of  
5 California and is notable.

6 Also mechanical preprocessing, a bailing program  
7 is going on at Edwards Air Force Base. This program, the  
8 intent of it is to bail the waste prior to disposal, which  
9 cuts down on the bird population around the air force  
10 base, which is an interesting application.

11 And lastly, there's a landfill mining program at  
12 Clovis Landfill where the landfill is being clean closed  
13 and a sorting program is going on with the reclamation of  
14 the waste at that landfill.

15 --o0o--

16 MS. RYAN: To allow the Board to sort of narrow  
17 down some of the technologies that we considered to have  
18 considerable potential for applications in California, we  
19 came up with a list of technologies that were evaluated in  
20 the report that for various reasons are considered to have  
21 considerable potential. There's various things that  
22 affect the technologys' potential, be it cost, population,  
23 density, climate, and the technologies are not directly  
24 comparable because of inherent differences in the  
25 technology. But we wanted to provide the Board with a

1 wide range of potential technologies that we consider to  
2 have good -- what am I trying to say? That have had good  
3 successful past experience that are easy to implement in  
4 California. We'll look at some of these technologies  
5 individually.

6 --o0o--

7 MS. RYAN: First is mechanical pre-processing.  
8 This is a broader group of technologies which include  
9 separation and shredding. Separation is currently being  
10 applied in many locations off land site in California in  
11 the form of material recycling facilities. However,  
12 shredding has not been widely accepted as a companion to  
13 separation. By adding shredding to the separation  
14 process, it's a cost-effective means to increase the  
15 compaction and reduce the volume of landfilled material  
16 after processing. And sort of a byproduct is an  
17 acceleration of waste stabilization in the landfill.

18 --o0o--

19 MS. RYAN: Second in our last is anaerobic  
20 bioreactor landfill. This is a cell that's specially  
21 designed to enhance degradation through controlled  
22 injection of liquid, in most cases leachate. It involves  
23 incorporating an integrated landfill gas collection system  
24 to capture accelerated generation of landfill gas. This  
25 technology is most applicable in less arid areas of

1 California, and the results of -- the anticipated result  
2 of the installation of one of these systems is you get  
3 enhanced waste stabilization, which in turn generates  
4 additional air space.

5 --o0o--

6 MS. RYAN: Next is alternative base containment  
7 systems. Various alternatives to the descriptive base  
8 containment system were evaluated, and the two that we  
9 selected for our short list were electrically-conducted  
10 geomembranes, which are specially manufactured  
11 geomembranes which allow an electrical charge to be  
12 applied to the membrane to identify leaks during  
13 installation. This is a relatively inexpensive  
14 alternative, and it allows increased liner reliability by  
15 identifying leaks during installation.

16 The other one that we selected was encapsulated  
17 GCL. An encapsulated GCL has geomembrane on both sides of  
18 a bentonite layer which serves to slow the hydration of  
19 the bentonite. This results in an increased sheer  
20 strength of the GCL system and is highly applicable to  
21 canyon applications where GCLs are often used in side  
22 slopes.

23 --o0o--

24 MS. RYAN: Next we have alternative cover  
25 systems. Again, various alternative cover systems were



1 evaluated during the study. We've selected two types  
2 here. One is non-barrier cover systems. Non-barrier  
3 cover systems are engineered soil covers, such as  
4 evaporative transfer covers, capillary break covers, and  
5 phytoremediation covers. No geomembrane is used in these  
6 cover systems, and various studies are going on around the  
7 United States to evaluate the performance of these covers  
8 which have really been developed for arid climates like we  
9 have in California.

10 They're finding that you can achieve equivalent  
11 or superior infiltration control with these types of  
12 covers over some of the types of covers that have  
13 typically been used. And one of the side effects  
14 especially of a phytoremediation cover is you can achieve  
15 enhanced waste stabilization after closure.

16 The other type that we have selected for the  
17 short list is delayed closure. And this isn't really a  
18 cover system, but it's sort of a methodology that may be  
19 very applicable in California where not very much of the  
20 degradation of the waste occurs prior to the closure of  
21 the landfill. We just won't have that much rainfall to  
22 allow it to occur during the operating life of the  
23 landfill. So the concept of delaying closure for several  
24 years to allow additional stabilization may have future  
25 environmental benefits.

--o0o--

1  
2 MS. RYAN: We considered several landfill gas  
3 applications. One of the applications that's not included  
4 on this list but has considerable -- has gained  
5 considerable acceptance in California is LFG landfill gas  
6 conversion to electricity. There are 20 sites in  
7 California that were identified in the database that have  
8 implemented landfill gas to electricity systems at their  
9 sites. Because it's gained such wide acceptance, we  
10 didn't feel it was appropriate to include it on this list,  
11 but instead to focus on one of the other applications that  
12 has not been used so extensively, and that's LFG  
13 conversion to medium BTU fuel.

14 Examples of uses of medium BTU fuel include  
15 industrial boilers and steam space heaters. Compared to  
16 conversion to electricity, conversion to medium BTU fuel  
17 requires minimal processing, has low associated capital  
18 costs, and is eligible for the same economic incentives  
19 that LFG to electricity is eligible for.

--o0o--

20  
21 MS. RYAN: Next we have leachate recirculation,  
22 which is similar to a bioreactor in that leachate is  
23 reinjected into the landfill. But with the leachate  
24 recirculation system, these can be applied to existing  
25 landfill cells. And the primary purpose is to improve

1 leachate quality. You also can achieve enhanced waste  
2 stabilization as sort of a bonus side effect, but the  
3 primary purpose really is to improve leachate quality.

4           The one caveat to leachate recirculation system  
5 being applied to an existing cell is that you really need  
6 to have a leachate collection system that can handle the  
7 additional leachate flow that occurs because of the  
8 leachate recirculation.

9                               --o0o--

10           MS. RYAN: And lastly, we have industrial  
11 standards, certification, and guidance documents. In  
12 general, these technologies were considered applicable for  
13 application in California. Some of the benefits of  
14 standards and certification is that it may simplify  
15 regulatory compliance and oversight. Some examples of  
16 standards and certifications that should be considered are  
17 the American National Standards Institute, ANSI, has  
18 standards applicable to landfill management specifically.

19           And as far as certification goes, there's the  
20 International Standards Organization, ISO, 14001, which is  
21 intended for environmental management systems. Also the  
22 Solid Waste Association of North American, SWANA, has  
23 certification for various waste management disciplines.  
24 And any of these may be considered for application in  
25 California.

1           As far as guidance documents goes, the Ohio EPA  
2 has developed a series of documents to guide owners and  
3 consultants in developing landfill designs. They provide  
4 recommended methods and procedures. It assists regulators  
5 in ensuring quality and provides consistency in measures.  
6 Therefore, we think that the development of guidance  
7 documents would be particularly applicable in California.

8           And that pretty much finishes it. If there are  
9 any questions --

10           CHAIRPERSON MOULTON-PATTERSON: Thank you very  
11 much for your report. We appreciate it. I see no  
12 questions at this time. Thank you.

13           We do have a speaker, a public speaker. And with  
14 that, we'll hold for questions. Thank you.

15           Mr. Evan Edgar, CRRC.

16           MR. EDGAR: Good morning, Chair and Board  
17 members. My name is Evan Edgar for the California Refuse  
18 Removal Council, the CRRC landfill group representing  
19 twelve landfills statewide.

20           We're glad to have this report today because the  
21 other 50 percent is very important to safe disposal. It  
22 is part of the hierarchy of AB 939, is the safe disposal  
23 of solid waste in California, and we gladly put the  
24 resources into this over two years ago to have a Phase I  
25 and Phase II report and to look at emerging technologies.

1 Federal Subtitle D was implemented ten years ago, which is  
2 a single composite liner. A lot has happened in  
3 ten years. A lot more will happen in the future.

4 I commend the Waste Board on two key workshops  
5 that were held over the last two -- three workshops. One  
6 was on bioreactor landfills on emerging technologies.  
7 Another one was about landfill gas violations. And the  
8 most important one, I felt, was about the postclosure  
9 maintenance care, about the long-term aspects of  
10 maintaining landfills that are Subtitle D. Those three  
11 workshops really feed into the good work you do on these  
12 reports. If anything I got out from this, this is a great  
13 baseline for multi-media, and the industry will be taking  
14 a good look at these final reports. We have some  
15 comments. We're going to be working with your staff and  
16 the industry group to have comments on the final report  
17 and be engaged in the end game here.

18 But we see on the horizon there's more  
19 opportunities to continue these types of studies. As part  
20 of the closure, postclosure maintenance workshop, we're  
21 looking at a Phase III potential whereby the aspect of  
22 30-year post maintenance care and how long does it go.  
23 Some people may believe it's perpetual care for some bad  
24 landfills. But for Subtitle D landfills and bioreactor  
25 landfills, is 30 years adequate enough? GeoSyntec is

1 doing a study back east. Been going on for the last few  
2 years. Their final report will come out next year. I see  
3 a potential of some dovetailing of a GeoSyntec report on  
4 postclosure care coupled with this work here to expand to  
5 a Phase III in budget cycle 04/05 to look at postclosure  
6 care and further look at bioreactor landfills.

7 I commend the Waste Board and staff on the good  
8 work. And the industry will be engaged with this process  
9 for the safe disposal of the other 50 percent. Thank you.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
11 Edgar.

12 That concludes Number 7. And we have no  
13 questions.

14 On Number 9, public hearing and consideration of  
15 adoption of proposed landfill closure loan program  
16 regulation, Mr. Leary, in light of the Executive Order  
17 S 203, should we just not take this up today? Would that  
18 be your recommendation?

19 EXECUTIVE DIRECTOR LEARY: Madam Chair, I guess  
20 my recommendation would be that we not adopt the  
21 regulations in compliance with Executive Order and allow  
22 the administration to provide some more direction on how  
23 Executive Order -- that Executive Order should be  
24 implemented. Although, I would also recommend -- I think  
25 we have some folks who want to speak to this item. So you

1 certainly could take testimony, take the item up. I would  
2 just simply recommend we not adopt.

3 CHAIRPERSON MOULTON-PATTERSON: We will have a  
4 very brief report and then we have one speaker. And I'd  
5 like to go ahead with that. Mr. Levenson.

6 DEPUTY DIRECTOR LEVENSON: Yes, Madam Chair. We  
7 will present just a short discussion of this item. Sue  
8 Markie from the Permitting and Enforcement Division will  
9 make that presentation. I was just asking Sue if we had  
10 any time frame that we need to comply with in terms of  
11 potential submittal to OAL.

12 EXECUTIVE DIRECTOR LEARY: Actually, Howard, I've  
13 given that some thought, and we have plenty of time.  
14 Given that we opened the 45-day comment period on  
15 September 12th, we have a year from that date. So we're  
16 in good shape. We not running up against any regulatory  
17 clock.

18 CHAIRPERSON MOULTON-PATTERSON: So Ms. Markie, a  
19 very abbreviated report today. Thank you.

20 PERMITTING AND ENFORCEMENT DIVISION SUPERVISOR  
21 MARKIE: Good afternoon, Madam Chair and Board members.  
22 This meeting also serves as a formal public hearing for  
23 these regulations. So I would like to note that.

24 At the November 3rd, 2003, P&E Committee meeting,  
25 staff was requested to develop a chronology for this

1 program and present the item to the full Board. And the  
2 chronology is Attachment 1A, which shows early interest in  
3 the need for having a loan program for early closure of  
4 rural landfills and Board discussion throughout the years  
5 on the trickling effect and why this program was  
6 necessary.

7 Also the 2001 California State Auditors' report  
8 recommended that this Board seek legislation to allow it  
9 to offer loans for grants to landfill operators in need of  
10 financial assistance to close landfills. Then on  
11 September 15th, 2002, the Governor approved AB 467  
12 establishing this program.

13 The loans are zero interest and are limited to  
14 \$500,000 per closure project, and all loans are to be  
15 repaid within ten years. And I'd like to note the total  
16 amount of the funds available for the program will be  
17 determined on an annual base. And no funds have been  
18 designated for this current fiscal year.

19 Throughout the process, we utilized focus groups  
20 early on through the draft regulation procedures and we  
21 received a lot of valuable input. While the regs did go  
22 out for a 45-day comment period, in September we received  
23 no formal comments. We determined that the proposed regs  
24 are exempt from the California Environmental Quality Act.  
25 And I was going to ask to recommend the Board approve, but



1 since we had some new updates -- this concludes my  
2 presentation, and I believe we do have a speaker.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you very  
4 much.

5 And at this time Larry Sweetser, Rural Counties  
6 ESJPA. Good morning, Mr. Sweetser.

7 MR. SWEETSER: Good morning. I'll be brief.

8 My name is Larry Sweetser, on behalf of the Rural  
9 Counties Environmental Services Joint Powers Authority.  
10 And just wanted to let you know we do appreciate the Board  
11 and staff's efforts on this regulatory package and a  
12 special thanks to Sue Markie for her efforts. Jim  
13 Hemminger and I have met with her on numerous occasions  
14 and had very productive discussions. That's the reason  
15 you have no significant written comments at least from us  
16 is that those concerns were addressed in the regulatory  
17 package. So it validates the Board's informal process for  
18 getting comments early.

19 We have testified in support of this package and  
20 we'll continue that support. Like other facilities, rural  
21 landfills have set aside money for closure of their  
22 facility. In some cases, early closure may be necessary,  
23 either for regulatory, economic, operational, or even  
24 environmental issues. That's where the loan can help  
25 bridge those gaps for cases where additional funds may be

1 needed to start that early closure of a landfill. Once  
2 you do an early closure, you are presented with  
3 significant road blocks, increased WDR fees, waste  
4 discharge requirements, as well as other operational costs  
5 are there. This loan can help with those efforts.

6 We are disappointed that no funds were budgeted  
7 for this fiscal year, but we look forward to that in the  
8 future. We do understand the tight budgets. Being from  
9 rural counties, money is always tight there. We realize  
10 not much can be done financially this round. We just look  
11 forward to money in the future. We do realize with the  
12 Governor's Executive Order it may cause a delay in this.  
13 Since there are no funds available, we don't see any  
14 urgency in pursuing that. But we do wholeheartedly  
15 support the regulatory package going forward at the  
16 appropriate time.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
18 Sweetser, for being here.

19 Mr. Washington.

20 BOARD MEMBER WASHINGTON: Madam Chair, this can  
21 be to Howard or anyone. Why isn't it, Howard, that we  
22 don't have it set up to where when they open these  
23 landfills, a part of their requirement is that they set  
24 aside funds for those particular reasons that he just  
25 spoke about in terms of closure, that there should be a

1 set aside that is restricted for that purpose, 200,000,  
2 300,000, a million? Why isn't that a part of our  
3 permitting process?

4 DEPUTY DIRECTOR LEVENSON: Mr. Washington, that's  
5 an excellent question. And it depends on -- there is a  
6 provision in the regulations that requires the setting  
7 aside of funds for this purpose. But depending on the  
8 mechanism, there would only be partial funding as the  
9 years progress. For example, if you use a trust fund or  
10 Enterprise fund, you put away moneys each year that are a  
11 portion that's related to the amount of remaining landfill  
12 capacity. So as time progresses, the amount of moneys are  
13 increasing, but they're not -- it's not fully funded to  
14 the full extent that will be needed. That's different  
15 than a bond or an insurance mechanism or a pledge of  
16 revenue where you have all of the money available right at  
17 the beginning.

18 So those entities that use those mechanisms  
19 only -- per our requirements, are only partially funding  
20 through time the final amount that will be needed. So if  
21 they didn't close early, they would come up to the end of  
22 their capacity and they would be fully funded. But if  
23 they're forced to close early because they need to comply  
24 with federal requirements, then they won't be fully  
25 funded, and hence the need for this kind of assistance.

1           BOARD MEMBER WASHINGTON: As just a thought --  
2 and perhaps this can be looked further into in terms of  
3 that particular mechanism. Maybe there should be another  
4 mechanism that says each year you have to put so much into  
5 that particular account to where whatever happens, early  
6 closure, whatever, that some funds -- I just see it as a  
7 way where there should be some type of resources made  
8 available for those folks who are opening up these  
9 particular landfills that some type of funds should be  
10 available -- readily available for whatever purposes --  
11 the landfill catches on fire, whatever, something should  
12 be available for that purpose. It's just food for thought  
13 in terms of further discussion on that matter.

14           DEPUTY DIRECTOR LEVENSON: If you'd like, Mr.  
15 Washington, we could go into some explanation of the  
16 different requirements in the regulations. I would point  
17 out that for the larger, say, urban types of landfills  
18 that are fully compliant with Subtitle D and their profit  
19 centers, we don't anticipate any of those closing early.  
20 So they would be fully funded at the time of their  
21 closure. It's really a problem for these smaller rural  
22 landfills that were in existence before the federal  
23 requirements came into place. Garth, I don't know if you  
24 want to add anything to that.

25           BOARD MEMBER WASHINGTON: Madam Chair, I don't

1 necessarily think that you have to go on. I just had a  
2 food for thought in terms of that and just wanted to hear  
3 a brief discussion of it.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.  
5 Washington, for asking that question. And I feel that was  
6 a sufficient answer at this time.

7 Ms. Peace.

8 BOARD MEMBER PEACE: I just want to say I  
9 understand that we are delaying adoption of these  
10 regulations in light of the new Executive Order, but I  
11 believe they are a good idea. And I have no issues with  
12 the regulations themselves, but I did have some concerns.  
13 I understand these loan regulations may help alleviate the  
14 issue of trickling landfill by helping cash-strapped rural  
15 counties close unlined landfills earlier than originally  
16 planned, but I want to make clear these must be, you know,  
17 special circumstances.

18 From what I understand, the average cost of  
19 closure is approximately \$50,000 to \$100,000 an acre. If  
20 the average rural landfill, say, is 10 acres, that's a  
21 cost of 500,000 to 1 million to close one landfill. With  
22 16 landfills already expressing an interest in applying  
23 for the loan, we will really need to prioritize the need  
24 for closing these landfills against any other Board  
25 programs that would have to be cut in order to pay for

1 this one.

2 I'm also cognizant that doing these loans can put  
3 an added strain on our existing staff. And lastly, I  
4 don't see that it is in the regulations, but applicants  
5 should have to use their closure funds already available  
6 to them first before drawing on any of the loan funds.

7 So those are just a couple of the concerns I had.  
8 So thank you.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.  
10 Peace, for stating those.

11 And I believe unless it's anything that needs to  
12 be addressed right now, we're going to move on to Item 10.  
13 And this was consideration of the grant awards for the  
14 farm and ranch solid waste cleanup and abatement grant  
15 program fiscal year 2003/2004. This got a 3-0 approval in  
16 Committee.

17 And with that, Mr. Paparian would like to make a  
18 comment before we have our staff report.

19 BOARD MEMBER PAPARIAN: No. I was going to  
20 actually help move it along.

21 CHAIRPERSON MOULTON-PATTERSON: Fine,  
22 Mr. Paparian.

23 BOARD MEMBER PAPARIAN: Just one quick comment  
24 first, though. There was an interesting little thing  
25 within this item which we talked about in Committee, which

1 we may have to address in the future.

2 A couple of subject properties were taken over by  
3 the county in a lien sale -- and were taken over by lien.  
4 The county took possession of it. Then the county  
5 subsequently sold the properties on EBAY, site unseen, to  
6 people who didn't realize what was contaminated on the  
7 property.

8 Now, the properties qualify for this program.  
9 They ought to be cleaned up. You know, maybe the county  
10 ought to have cleaned them up before they sold them on  
11 EBAY or at least made a better disclosure on EBAY about  
12 what the nature of the properties was. So I just wanted  
13 to bring that to the attention of the Board members and  
14 suggest that we may need to be working with some of the  
15 localities that might take advantage of this program in  
16 order to assure that if they're somewhere in the middle of  
17 selling properties, they ought to take advantage of this  
18 program before they sell it on EBAY or someplace else to  
19 unsuspecting individuals.

20 With that, I'm prepared to move the item, Madam  
21 Chair.

22 CHAIRPERSON MOULTON-PATTERSON: Please do.

23 BOARD MEMBER PAPARIAN: I'd like to move  
24 Resolution 2003-494 related to the farm and rancher solid  
25 waste cleanup and abatement grants program, FY 2003/2004.

1 BOARD MEMBER JONES: Second.

2 CHAIRPERSON MOULTON-PATTERSON: We have a motion  
3 by Mr. Paparian, seconded by Mr. Jones.

4 Please call the roll.

5 SECRETARY WADDELL: Jones?

6 BOARD MEMBER JONES: Aye.

7 SECRETARY WADDELL: Medina?

8 BOARD MEMBER MEDINA: Aye.

9 SECRETARY WADDELL: Paparian?

10 BOARD MEMBER PAPARIAN: Aye.

11 SECRETARY WADDELL: Peace?

12 BOARD MEMBER PEACE: Aye.

13 SECRETARY WADDELL: Washington?

14 BOARD MEMBER WASHINGTON: Aye.

15 SECRETARY WADDELL: Moulton-Patterson?

16 CHAIRPERSON MOULTON-PATTERSON: Aye.

17 DEPUTY DIRECTOR LEVENSON: Madam Chair, if I  
18 could just make one comment.

19 CHAIRPERSON MOULTON-PATTERSON: Yes, Mr.  
20 Levenson.

21 DEPUTY DIRECTOR LEVENSON: I just wanted to  
22 acknowledge Carla Repucci and the work she's done. This  
23 program has been undersubscribed in the past and we now  
24 have a lot of very good projects that are coming in and  
25 it's a testament to her perseverance on this.



1 CHAIRPERSON MOULTON-PATTERSON: Thank you. We  
2 really appreciate that. Okay.

3 That brings us to Sustainability and Market  
4 Development, of which the Chair of this Committee is  
5 Mr. Jones.

6 Mr. Jones, would you like to report?

7 BOARD MEMBER JONES: Thank you, Madam Chair.

8 We heard ten items. Three were on consent. One  
9 was fiscal consensus so that had to be pulled because  
10 there wasn't a quorum at the loan Committee, our outside  
11 group of experts. So that will be coming back. We had  
12 some discussion items on some of the reg packages, DRS and  
13 RMDZ, and had a great presentation from our Market  
14 Development group on economic gardening.

15 And then the full Board is going to hear --  
16 actually, it's fiscal consensus. Okay. Our full Board is  
17 going to hear the LARA issue because we figured everybody  
18 would want to deal with that. We had a long discussion.  
19 We offered some guidance, and I guess we're dealing with  
20 it from a different direction.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. Fine.  
22 Thank you, Mr. Jones.

23 So that brings us to Item 234.

24 DEPUTY DIRECTOR SCHIAVO: Good morning. Pat  
25 Schiavo, Diversion, Planning, and Local Assistance.

1           Item Number 24 is consideration of the  
2 Los Angeles Area Integrated Waste Management Authority  
3 regional agency formation agreement for a number of  
4 cities. And Phil Morales will present this item.

5           BRANCH MANAGER MORALEZ: Good morning, Madam  
6 Chair and Board members.

7           I would like to summarize some of the key points  
8 surrounding this item beginning with a letter to the Board  
9 dated January 30th, 2003. In that letter, the city of  
10 Los Angeles announced the formation of the Los Angeles  
11 Area Integrated Waste Management Authority, a joint powers  
12 authority referred to JPA currently representing its  
13 members and requesting Board staff to prepare an agenda  
14 item for the Board to consider approving the Los Angeles  
15 Regional Agency, known as LARA.

16           On March 5th, 2003, a written response was sent  
17 as a follow-up to a conference call of February 18th,  
18 2003, to Ms. Coca. The letter identified both procedural  
19 issues as well as substantive issues that needed to be  
20 addressed before their request for placing the Regional  
21 Agency on the Board agenda for consideration. Some of the  
22 issues identified in the letter included: The process of  
23 adding or deleting members to the LARA once the Board had  
24 given approval to the Regional Agency; the need to  
25 continue implementing programs for those member

1 jurisdictions that are currently on an SB 1066 time  
2 extension or compliance order and the fact that three  
3 members of the JPA were on compliance orders and the need  
4 to go forward with an issuance of a compliance order to  
5 the Regional Agency since they were incorporating these  
6 cities into the JPA.

7           An agenda item was then heard at the July 15th,  
8 2003, Board meeting. At that time, Board members asked  
9 specific questions regarding legal issues that needed to  
10 be addressed prior to the Board taking action. Attachment  
11 3 of the agenda item was specifically prepared for Board  
12 legal staff -- by Board legal staff in response to the  
13 questions raised by the Board at that meeting.

14           During the last several months there have been  
15 significant amounts of communication between staff and the  
16 LARA manager regarding all of the issues and concerns  
17 raised in the agenda item contained in your packet. As  
18 staff began to review the numerous correspondence  
19 surrounding this item, there appeared to be significant  
20 inconsistencies. Those inconsistencies included the on  
21 and off relationship of the city of Gardena as a member of  
22 the JPA and LARA. The new statement the JPA wasn't a duly  
23 authorized JPA until the Board had approved the LARA.  
24 This statement was inconsistent with prior correspondence  
25 with the city and with resolutions enacted by the member

1 jurisdictions' City Councils that authorized execution of  
2 a joint powers agreement. Inconsistent statements from  
3 public testimony that they, LARA, will work with cities  
4 like Gardena, and then within two weeks removed said city  
5 from the LARA. The apparent unilateral removal of the  
6 city of Gardena without the due process as identified in  
7 the JPA agreements raised serious questions that can have  
8 legal ramifications.

9           An example of additional inconsistencies that  
10 staff raised, concerns regarding the LARA, is illustrated  
11 in the agenda item Attachments 4 and 5A. Attachment 4 is  
12 a September 11th, 2003, letter to the Board Chair asking  
13 that the LARA item be scheduled for the Board  
14 consideration. Attached to that letter is a form letter  
15 of clarification signed by several of the members of the  
16 JPA noting that they, the members, concur with the  
17 voluntary withdrawal of the city of Gardena and that they  
18 concur that an amended joint powers agreement be submitted  
19 to the Board.

20           However, this letter is inconsistent with the  
21 letter received by Elliot Block, Board Staff Counsel,  
22 dated October 6th, 2003, Attachment 5A of your item, that  
23 the JPA has not been amended by letters of clarification  
24 and that staff have contacted the city of Gardena  
25 regarding the letter or other written communications

1 regarding their delayed participation in LARA, and we do  
2 not anticipate receiving such a letter at this time. This  
3 raises the question of what voluntary withdrawal that the  
4 member cities that submitted the letters are referencing.

5         Though staff had originally recommended approval  
6 in a July agenda item based on the inconsistencies noted  
7 and for the following reasons: The LARA does not meet the  
8 requirements of the Public Resource Code 40975(B)1 which  
9 requires that it list all of the members of the regional  
10 agency -- and the most recently provided JPA member roster  
11 does not include the city of Gardena, a member of the JPA;  
12 provisions of the JPA regarding the withdrawal and  
13 termination of members have not been administered  
14 according to the provisions presented in documentation by  
15 the JPA; thirdly, approval of the LARA in which Gardena is  
16 still a member of the JPA and issuance of a new compliance  
17 order for LARA would be inconsistent with the existing  
18 compliance order issued to Gardena and the current Board  
19 order to subject Gardena to additional fines if they fail  
20 to implement its local assistance plan by January 1st,  
21 2004; and fourthly, two other members in the JPA have  
22 compliance orders and several other members are working on  
23 Board-approved time extensions.

24         Board staff is concerned that it continues to  
25 have individual members' disposal, diversion, and program

1 data in order to evaluate that each member has not  
2 diminished its responsibilities to implement effective  
3 diversion programs and complete agreements with the Board.  
4 For these reasons, staff recommends the Board adopt Option  
5 2 and deny the request to approve the LARA. This  
6 concludes staff's presentation.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Mr. Block, are you the attorney that's working on  
9 this? We have quite a few speakers, but I do have a  
10 question. Is the LARA caught in a catch 22 here? It  
11 appears they can't act until we approve, yet we're asking  
12 them to change certain parts.

13 STAFF COUNSEL BLOCK: That's not my opinion. My  
14 opinion --

15 CHAIRPERSON MOULTON-PATTERSON: That's not your  
16 opinion?

17 STAFF COUNSEL BLOCK: -- is there is a way for  
18 them to address this.

19 CHAIRPERSON MOULTON-PATTERSON: They can act  
20 first?

21 STAFF COUNSEL BLOCK: As far as I can tell -- I  
22 believe they do have the Assistant City Attorney for the  
23 city of L.A. here to talk about this. This is an approved  
24 joint powers agreement, and I believe that they have the  
25 ability to act. They have not done so yet. But --

1           CHAIRPERSON MOULTON-PATTERSON: So they have  
2 formed the JPA, and we don't have to approve the JPA. But  
3 we do have to approve the regional --

4           STAFF COUNSEL BLOCK: That's correct.

5           CHAIRPERSON MOULTON-PATTERSON: -- agency. Okay.  
6 Because coming from local government, I really want to  
7 approve this. I really don't want to be telling cities  
8 and counties what to do. You know, I want them to realize  
9 the risks. And if one city fails, they all fail and all  
10 that. So that's where I'm coming from. But if there's  
11 some legal problems you know, I want to know about them.  
12 So, you know, help me out here.

13           And maybe it's best we hear from the speakers  
14 first, and maybe that will clarify something in my mind.  
15 I don't see any other questions right now so we're going  
16 to go ahead and hear from the speakers at this point.

17           Christopher Westoff, City of Los Angeles, City  
18 Attorney's Office. Good afternoon, and thank you for  
19 being here.

20           MR. WESTOFF: Good afternoon, Madam Chair and  
21 Board members. My name is Christopher Westoff. I'm an  
22 Assistant City Attorney with the city of Los Angeles, and  
23 I am the General Counsel to the city's Department of  
24 Public Works. I have served in that position since  
25 approximately 1980. So I have somewhat of an extensive

1 experience on both the solid and liquid waste side for the  
2 city.

3           During my tenure which exceeds 20 years, I've  
4 actually only been required to appear before this Board  
5 twice. And that should speak to the importance that the  
6 city places on the matter that is now before you. And  
7 what I'd like to do is kind of go over some background so  
8 the Board members have an idea of what Los Angeles and the  
9 rest of the agencies that are attempting to form this LARA  
10 have been going through for the last two-and-a-half years.

11           First of all, it's clear from the Public  
12 Resources Code that a city or county may form a Regional  
13 Agency with another city or county for the purpose of  
14 complying with this Resources Code. Formation of the  
15 Regional Agency is voluntary, which means we have the  
16 option to do it or not do it. And we should accept as  
17 provided under Section 40975 and shall be subject to the  
18 terms and conditions set out in the agreement pursuant to  
19 which the Regional Agency has formed.

20           Now "agreement" has a whole lot of different  
21 definitions. In my mind, we don't need a joint powers  
22 authority to create a Regional Agency. I don't know on  
23 what basis a joint powers agency seems to be the basis  
24 upon which most of the regional agencies are formatted.  
25 But an agreement in my mind could be a Memorandum of



1 Understanding, a Memorandum of Agreement, a contract, or  
2 some other written document that comports with the minimum  
3 requirements set forth in the Public Resource Code.

4           Now what did we do? Well, approximately  
5 two-and-a-half-years ago -- and let me preface it by  
6 saying, I don't think anybody can doubt that Los Angeles  
7 is committed to recycling, to waste reduction. As I sat  
8 here and listened to the Board members speak about the  
9 various projects they're involved with, whether it be  
10 e-waste -- we're a leader in e-waste. We're a leader in  
11 asphalt recycling, which was Board Member Medina's issue  
12 relative to these. We've been recycling our asphalt since  
13 13 years ago when I signed the first agreement to  
14 microwave our WRAP that we pull off the street and turn it  
15 into a recycled product. We are a leader in reaching out  
16 to the community and in educating people about recycling  
17 and about waste reduction.

18           The Los Angeles region faces a crisis in the  
19 coming years. We are running out of landfill space. And  
20 one of the key points that we have even been able to forgo  
21 that crisis to date is the success that Los Angeles and  
22 the rest of the municipalities in our region have been  
23 able to achieve in reducing the amount of waste going to a  
24 landfill. We have essentially one public -- or one  
25 privately-owned landfill in the entire L.A. basin that

1 receives most of the waste. That's Sunshine Canyon. When  
2 that landfill is full, we will be essentially into a  
3 mandated long-distance rail haul. Either rail haul or  
4 distance by transfer trucks out of the basin. So we are  
5 committed, as are all of the cities in our region, to  
6 reducing the amount of waste going into a landfill.

7           And it's not just the reduction of the waste  
8 that's important. It's the fact that the reduction of  
9 this waste costs each of us a lot of money. Nobody can  
10 deny that it's cheaper right now to take a ton of trash  
11 and put it in a landfill and dispose of it. It is cheaper  
12 than recycling without a doubt.

13           What we have been trying to do is, one, lower our  
14 costs; two, generate income from the waste that is  
15 recycled so we can offset that price differential. At  
16 some point, hopefully, recycling will get in line with  
17 disposal and recycling will become -- we will hopefully be  
18 able to get up to the 80 or 90 percent of waste so we will  
19 essentially be putting very little into the landfill for  
20 disposal.

21           Now, two-and-a-half years ago we got together  
22 pursuant to what is contained on your website, which  
23 essentially requires that a joint powers authority be  
24 created before you can create a Regional Agency. We  
25 decided to go with that more formal way of putting

1 together an agreement between our agencies. Now,  
2 two years ago this month, a draft JPA was sent to your  
3 counsel, and we received an e-mail back from your counsel  
4 essentially telling us that the draft JPA looked okay.

5 With that in hand, we then started the formation  
6 meetings with the various members that we thought we might  
7 have. And I can tell you that it is a fluid issue. There  
8 will probably be, once this LARA is approved, more members  
9 coming on and maybe potentially members leaving. Again,  
10 this is a voluntary group. This is a group of cities that  
11 got together and have decided to act in concert pursuant  
12 to the Public Resource Code. It is only as good as the  
13 cooperation of those different cities. If a city wants to  
14 leave, they are free to leave. If a city wants to be part  
15 of the group, they are free to join that group as long as  
16 they meet our minimum requirements.

17 Now, we went through a rather extensive education  
18 period with the various agencies, and it took us  
19 approximately a year or so to gather all of the agencies  
20 which were submitted to this Board as part of our original  
21 submission for our LARA.

22 Now, in January of 2003, so at the beginning of  
23 this year, we sent a letter to the Waste Board asking for  
24 review. We received a letter back relative to certain  
25 issues, and then we met as a group to try and address the

1 issues that were raised more than nine months ago.

2           Fast forward to July of this year. Your own  
3 agenda contains a recommendation from staff to approve the  
4 LARA. Staff recommends that the Board adopt Option 2,  
5 Board authorization of this Regional Agency conditioned  
6 with a requirement that program activities specified in  
7 participating cities, Board-approved compliance order, or  
8 time extensions must be completed and fully implemented.  
9 And we certainly have no design not to do exactly what was  
10 required in that recommendation.

11           The approval of this LARA in no way should be  
12 seen as an endorsement by the city of Los Angeles or any  
13 other of the member agencies to allow other member  
14 agencies not to meet their absolute requirements under  
15 AB 939 or any other existing relative to this. It  
16 certainly isn't Los Angeles' desire to give anyone a free  
17 out by creating this LARA. I mean, all you need to do is  
18 look at the purpose for which LARAs are allowed to  
19 understand what this is about. And it is simply the  
20 intent of the Legislature in enacting this article is to  
21 authorize cities and counties to form regional agencies to  
22 implement this part in order to reduce the cost of  
23 reporting and tracking of disposal and diversion programs  
24 by individual cities and counties and to increase the  
25 diversion of solid waste from disposal facilities.

1           Now, if you do not approve this LARA, you are  
2 going to cost the city of Los Angeles potentially a half a  
3 million dollars over the next five years. You are going  
4 to cost the other agencies approximately a half a million  
5 dollars collectively, again, over the next five years. In  
6 these tight budget times, we know what the state is going  
7 through with the budget because it is painfully clear at  
8 the local level because the state money that would  
9 normally flow to local agencies is not flowing. The  
10 spigot has been turned off. So we are in crisis in the  
11 city of Los Angeles, as are most of the smaller cities in  
12 our region to meet their budgetary requirements. We have  
13 competing issues, whether it be libraries, police, fire,  
14 streets, solid waste.

15           And all we are attempting to do by creating this  
16 LARA is to give us the opportunity to save a few dollars  
17 which can then be in turn used for more positive things.  
18 Nobody is going to get out from under their  
19 responsibilities. What of individual reporting you need  
20 from individual cities you will get because that will be  
21 the requirement of our JPA and the LARA.

22           Los Angeles to date has been way ahead in terms  
23 of meeting our diversion goals. We have been way ahead in  
24 creating a format for reporting all of the waste that  
25 we've had. We will be in a position to assist other

1 agencies to bring their reporting up to the level the city  
2 of Los Angeles has been doing over the last number of  
3 years to meet our AB 939 goals. So nobody is going to get  
4 out from under it if this LARA is approved.

5           And again, we need the money that will be saved  
6 by our joint reporting. And it is somewhat curious to me,  
7 as I found out just the other day, that there are 22  
8 approved LARAs in Northern California -- 22 of them, and  
9 not a single one in Southern California. This will be the  
10 first one in Southern California.

11           Now, I'm sorry. I disagree with staff's report.  
12 I disagree with what counsel has stated to you that we  
13 have a way out.

14           Madam Chair, you asked if we were in a catch 22,  
15 and the answer to that question is absolutely we are in a  
16 catch 22. And I'll tell you who put us there. Staff.  
17 Normally, when you elevate form over substance, you at  
18 least have a forum which you are elevated. You have a  
19 rule or a regulation or a law which you are strictly  
20 applying which sometimes runs head on into the spirit of  
21 the law. In this particular instance, they cannot point  
22 to any rule, regulation, or law that this LARA is  
23 violating.

24           Essentially what we're being asked to do -- and  
25 by the way, the JPA is nothing more today than an

1 agreement to agree. It is a single-purpose joint powers  
2 authority. These cities would not have gotten together  
3 except that it is a mandated, by staff, prerequisite to  
4 creating a LARA. It has no other purpose. It will serve  
5 no other purpose. These cities will not be getting  
6 together to meet to do anything else jointly other than to  
7 meet our obligations as a local agency or Regional Agency.

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Westoff, some  
9 questions are coming up. And rather than wait until the  
10 end of your comments, I'd like to have them asked at this  
11 time.

12 Mr. Jones, and then Mr. Washington.

13 BOARD MEMBER JONES: Thank you, Madam Chair. I  
14 appreciate it.

15 I do have about five questions here. But the  
16 first one is the assertion that it's our staff that has  
17 caused this problem. Our staff recommended compliance  
18 with this. It was your agreement and the reading by this  
19 Board of that agreement that caused us pause. So I'm  
20 asking with your 22 years of experience in public works,  
21 just a couple of issues. You keep talking about that this  
22 is nothing more than an agreement to agree or disagree.

23 MR. WESTOFF: No. I said to agree.

24 BOARD MEMBER JONES: But yet, you've had every  
25 City Council take a vote to decide whether or not they

1 were going to join this JPA and you gave them certain --  
2 and I'm assuming you were the one that wrote this -- that  
3 you gave them assurances, like any contract, that they  
4 would have -- they'd have the option to leave, but  
5 according to your document, that's after 180-day notice  
6 they have to give you to leave. And you've also talked  
7 about if somebody leaves, there has to be an action of the  
8 whole JPA. Yet, you come forward and haven't provided any  
9 of those things which are the blueprint of your JPA.

10 And I'm wondering how you justify that. How do  
11 you justify just telling a city whose City Council members  
12 voted to be in this JPA, who have written us a letter  
13 saying they're still part of the JPA, and yet you've told  
14 us -- or somebody has told us -- that they're no longer in  
15 the JPA? How does that reconcile with law and contracts?

16 MR. WESTOFF: Your staff -- first of all, there  
17 is no JPA because the JPA hasn't been formed yet. There  
18 have been individual votes by individual cities to  
19 participate in a joint powers authority. But again,  
20 cities are free voluntarily to join or not join that JPA.  
21 And it has been this Board's staff that has put the city  
22 in the position, the catch 22 as it were, in saying -- you  
23 heard staff in their report tell you that if Gardena is a  
24 member of this LARA, it is inconsistent and you can't  
25 approve it. If Gardena is not a member of this LARA, we



1 are in some way violating Gardena's rights and you can't  
2 approve it.

3           So exactly what is the city of Los Angeles and  
4 the rest of the agencies to do when we are put in a  
5 position of having to do one or the other and both lead to  
6 the inevitable result that it will not be approved?  
7 Whatever legal issues that exist between Gardena and the  
8 JPA and Gardena and the LARA will be dealt with between  
9 Gardena and the LARA and the JPA. And you may read in  
10 Gardena's letter they want to be part of it. And we are  
11 willing to have them be part of it. And quite honestly,  
12 if this Board approves the LARA with Gardena in it, we  
13 will deal with it that way. If it approves the LARA  
14 without Gardena in it, we will deal with it that way. But  
15 this Board is trying to get between Gardena and the rest  
16 of the agencies in the LARA and JPA.

17           If there is any legal problem that exists, it is  
18 a problem between Gardena and the city of Los Angeles and  
19 Gardena and the rest of the other agencies. And we will  
20 deal with that. We will deal with that. You are not  
21 vulnerable to that. If you would like an indemnification  
22 agreement relative to that, we will be happy to provide  
23 that.

24           But your action here is not -- the legal action  
25 you should be concerned about is not Gardena against the

1 LARA or not, Gardena against this Integrated Waste  
2 Management Board. It should be the action of 14  
3 municipalities attempting to comply with what has been  
4 allowed in state law and is being thwarted here, when  
5 there are 22 of them up in Northern California. 22. And  
6 not one in Southern California. So that is the issue that  
7 I would be concerned with if I were sitting on this  
8 Board's side of this issue. Because we will deal with  
9 Gardena, and we would gladly have them be a member of this  
10 LARA as long as staff is prepared to say that it's okay  
11 for them to come in and deal with their compliance issues  
12 as part of the LARA. But we were told no. We were told  
13 it would be better if Gardena were not a member of the  
14 LARA.

15 So we are attempting to comply with what we were  
16 told. And again, you are insulated from any legal action  
17 by Gardena because whatever issue they have, they have  
18 with the city of Los Angeles and the other members of the  
19 proposed JPA, not -- the Board has not been constituted  
20 yet for the JPA. They have not met. They have not taken  
21 any action. They have not adopted rules and regulations.  
22 It is a precursor only for this Board to approve the LARA.  
23 And once the LARA is approved, the JPA will be  
24 constituted. We will select the Board members, and we  
25 will adopt rules and regulations. It is a precursor to

1 you, to this Board, approving the LARA. If you want  
2 Gardena in, we'd be happy to have them in.

3 BOARD MEMBER JONES: Madam Chair.

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: Thank you. And thanks for  
6 your patience, members. I have about four more questions.

7 I've just heard both sides of the argument  
8 delivered in that one dissertation that you gave. You  
9 hopped, calling it a JPA and then not calling it a JPA,  
10 which part of the reason -- part of what we have to look  
11 at by law when we do these. And I will tell you of the 22  
12 that are in Northern California, we have an action last  
13 month with removing a city by Board action from a Regional  
14 Agency and putting it into another Regional Agency because  
15 they went through the steps of having their JPA approve  
16 that and then having the JPA approve the inclusion into  
17 the Butte County. So we have history with these, but they  
18 always follow a format. It's basically a format that was  
19 laid out at some point that may be getting confused  
20 sometimes.

21 The savings that you talk about that we will cost  
22 the city of Los Angeles \$500,000 if we don't approve that.  
23 Exactly what is that?

24 MR. WESTOFF: As I understand it from staff --  
25 and we have technical staff who can explain it better, but

1 it relates to our ability to create a better base year for  
2 the city to base its recycling on. That is one of the  
3 issues?

4 BOARD MEMBER JONES: You just did a base year  
5 last year that got you up to -- and it goes to the heart  
6 of what the problem is here, I think. Besides the fact  
7 that the rules keep changing as we listen to testimony or  
8 read documents or the assertions, it was fought for by the  
9 city of L.A. to get the diversion rate as high as possible  
10 on this base year study. And when you add in all the 52  
11 cities, you're at 52 percent.

12 But, yet, this Board does not look at just the  
13 number for compliance with AB 939. We look at the  
14 programs. And the constant referral to \$500,000 we're  
15 going to save you goes to numbers on what has just been  
16 done. It's just been approved, which leads me to wonder  
17 exactly what those numbers are going to be used for.

18 It made me wonder before too because all of the  
19 issues that I've talked to Ms. Coca about always related  
20 to the idea that the commercial haulers in Los Angeles --  
21 city of Los Angeles are excluded from hauling to any of  
22 the San District landfills. Yet, they admitted to her and  
23 others that they do, in fact, go in there and dump that  
24 city of Los Angeles waste into a San District landfill.  
25 But the only way they can do that is by deceiving the gate

1 operator and assigning that waste to yet another  
2 jurisdiction. So now those jurisdictions' tonnages go up  
3 and your tonnage consequently goes down.

4 So the integrity of the documentation is critical  
5 to AB 939 and the southern cities' ability to meet the  
6 mandate of the law. All we're trying to do is to ensure  
7 that we don't get a different version every time we ask a  
8 question, which is what I've heard, me, personally -- have  
9 seen it in writing and now I've heard it -- to come to  
10 some fictitious number, because it is fictitious, because  
11 in my questioning of Ms. Coca we need to find out, as her  
12 haulers have told her -- they want to make sure that the  
13 information of them bringing it to the wrong landfill  
14 doesn't get into the wrong hands -- how, in fact, we can  
15 tighten that up so that it is fair for all the cities in  
16 California.

17 MR. WESTOFF: Well, I can tell you that not  
18 approving a LARA will in no way tighten it up so it's fair  
19 to all the other cities.

20 BOARD MEMBER JONES: No. But maybe if we  
21 postpone the LARA and make sure there are pieces in there  
22 that need to be in there and that we have an assurance  
23 because it is in writing. It is written what it is --  
24 because I want to see you guys save a half a million  
25 bucks. I got no problem with that. But I have -- in

1 reading this, the disregard for the original document, to  
2 conveniently go forward goes to the heart of abusing a  
3 contract relationship in my mind. In my mind, having been  
4 on both sides of contracts -- and I still haven't heard  
5 anything to defend that.

6 MR. WESTOFF: Again, if you wish to approve the  
7 LARA with Gardena in there, we would be more than happy to  
8 have them be there. We'd be more than happy to have them  
9 be responsive as an individual city to the needs of the  
10 Integrated Waste Management Board to have them meet their  
11 obligations. We're prepared to have Gardena.

12 Mr. Jones, we were told -- we were told that  
13 Gardena -- it would be better for the city if Gardena were  
14 not part of the LARA.

15 BOARD MEMBER JONES: I don't know how you were  
16 told that, but I would imagine -- I would imagine that,  
17 you know, when we assess a fine to the city of Gardena, if  
18 there was a LARA in place, that LARA would be responsible  
19 for the amount of the fines.

20 MR. WESTOFF: You're absolutely right. We're  
21 prepared to take that responsibility on if you will allow  
22 Gardena to be a member. And we will do whatever we can do  
23 to assist them in getting them into compliance with  
24 whatever deficiencies your staff believe Gardena has. But  
25 we certainly cannot do that without the LARA. We

1 certainly cannot do that.

2           And if it's a choice between having Gardena in to  
3 get the LARA, we're prepared to do that. If it's a choice  
4 that Gardena, until they get their act together according  
5 to staff that they do not participate in the LARA, that's  
6 where we're prepared to go. The issue that exists, exists  
7 between Gardena and the JPA, Gardena and the city of  
8 Los Angeles, Gardena and the other members. So when we're  
9 talking about whether Gardena's in or out, or whether it's  
10 a change, the only change is Gardena. So when you talk  
11 about moving target here, we're trying to address an issue  
12 that was raised to us directly, indirectly, and by  
13 inference that it would be better if Gardena got their  
14 compliance issues cleared up with this Board and with  
15 staff before they became a member. We expect once this  
16 LARA is created that we will have a bunch of other cities  
17 that will be wanting to join that LARA.

18           BOARD MEMBER JONES: If this Board -- and it  
19 will, I hope. If we ever adopt this thing today or  
20 whenever, puts a condition that every jurisdiction reports  
21 separately that every -- now wait a minute. Hold on a  
22 second. Well, go ahead.

23           MR. WESTOFF: The whole purpose of this is joint  
24 reporting. That doesn't mean that individual information  
25 for the individual cities will not be available to staff

1 because we totally -- we understand. That's why we're  
2 prepared to adopt what the joint recommendation -- or the  
3 recommendation that was placed on the July Board meeting  
4 that caveated the approval with the understanding that  
5 there would be program activity specified in participating  
6 cities, Board-approved compliance order and time extension  
7 must be completed and fully implemented. Each individual  
8 city -- the individual information from the cities will be  
9 available to your staff, but the whole concept, the whole  
10 reason for 44970 of the Public Resources Code is to do  
11 joint reporting because that's where the money is saved.

12 BOARD MEMBER JONES: But, unfortunately, we've  
13 got two-years' jurisdictions that are on compliance orders  
14 and one that is in a penalty phase which has to be --  
15 which we've got to see progress. What you're asking us to  
16 do, in effect, is to take the inflated number of the city  
17 of L.A. 60, whatever, percent and lump them all together  
18 and then say that's it. Everybody is in compliance. And  
19 I'm not prepared as a Board member to do that because I do  
20 care about the 580 cities that are doing programs. When  
21 Gardena sits there at 10 or 12 percent and the other ones  
22 aren't, there is a problem here.

23 And so are you suggesting that when any of these  
24 jurisdictional haulers go into a landfill they're able to  
25 say, "We're part of the LARA"?



1 MR. WESTOFF: No. Absolutely not.

2 BOARD MEMBER JONES: They would have specific  
3 information?

4 MR. WESTOFF: Correct.

5 BOARD MEMBER JONES: Is it going to follow our  
6 format or a format that the city of Los Angeles is going  
7 to design?

8 MR. WESTOFF: I can -- if you wish, I can allow  
9 technical staff to respond to those questions because I  
10 don't obviously get down into the reporting issues for my  
11 jurisdiction. But Ms. Coca is here, and she certainly can  
12 answer that question.

13 CHAIRPERSON MOULTON-PATTERSON: Ms. Coca.

14 MS. COCA: Karen Coca, city of Los Angeles, for  
15 the report.

16 I think that actually Board staff should be able  
17 to clear the whole reporting issue up. We got an e-mail  
18 yesterday from Board staff saying they had seen the  
19 database that we were going to put together and it would  
20 actually provide them that individual information. I'll  
21 dig it out. I see Phil shaking his head. I'll dig out  
22 the e-mail sometime during this discussion.

23 Also, no, they would not be reporting at the  
24 landfill as the JPA. There's too few cities at this  
25 point. And we did say that we would have to fill in

1 before we would actually move to anything like that. And  
2 plus we don't want that. We want to be able to see what  
3 individual cities are doing and so would the Board staff.  
4 So, no, they are not going to roll into a landfill and  
5 say, "We're from the JPA" and just go in. That's not how  
6 it can -- it's not going to work that way in L.A. County.

7 As a matter of fact, L.A. County is going to  
8 start requiring that folks actually provide information on  
9 routing. So not only will -- that should address a lot of  
10 the issues that you brought up because everything that  
11 rolls into an L.A. County landfill is going to have to  
12 have some sort of routing information to prove where  
13 they're from because of the problems we've had with the  
14 DRS over the years.

15 I don't work for L.A. County specifically, so I  
16 don't have the details in front of me. But it was  
17 presented at the County Task Force that that's what would  
18 be taking place.

19 BOARD MEMBER JONES: Those haulers, Ms. Coca,  
20 that told you that they haul to unauthorized sites and  
21 that, you know, how would they protect that information,  
22 would that become part of the information that would be  
23 turned over to the Board so we can assess it to the  
24 correct city?

25 MS. COCA: Are you talking about --

1 BOARD MEMBER JONES: You know what I'm talking  
2 about. We've had this discussion three times.

3 The trucks that are going into Puente Hills or  
4 L.A. San Districts --

5 MS. COCA: I think that's beginning to be --

6 BOARD MEMBER JONES: -- with L.A. city garbage --

7 MS. COCA: I think that's going to be cleared up  
8 when they have to start providing routing information to  
9 prove where they picked it up from.

10 BOARD MEMBER JONES: Are you going to be double  
11 checking that through the LARA that, in fact, that  
12 information is right? And I'm not trying to burden this  
13 down with bureaucracy. I'm so convinced that every time I  
14 hear something, you know, it is different than what I  
15 heard the time before, every time, which doesn't give me a  
16 lot of pause to be able to approve something that actually  
17 should be pretty good. And I made an offer that I'd be  
18 willing to help put this into a format that could benefit  
19 that LARA at some point, but you know --

20 MS. McMANUS: I'd like to speak to the issue --

21 CHAIRPERSON MOULTON-PATTERSON: Could you get on  
22 the mic, please, and state your name for the record.

23 MS. McMANUS: Michele McManus. I'm head of  
24 city-wide recycling, and I will be administering the LARA  
25 through my staff. Karen is one of my staff.

1 I think we're mixing a lot of issues here. I  
2 think, first, we need to separate the number crunching  
3 from the programs. This LARA is specifically only to  
4 consolidate the numbers. Consolidate numbers. Where do  
5 we get the numbers? We get the numbers from the DSR. We  
6 get the numbers from our base year studies. We get the  
7 numbers from recycling centers. We get the numbers on an  
8 annual basis. Sometimes in between we use the report of  
9 staff. We are only dealing with consolidation of numbers.

10 And it's very clear in that JPA that individual  
11 members are responsible for their programs. Now, I know  
12 that in staff's report there's a lot of discussion and  
13 innuendo about what -- about levying of fines? Who's  
14 responsible? Let me tell you the city of L.A. and its  
15 elected officials have made it very clear to staff -- and  
16 it's on record at our EQ Committee when the JPA went  
17 through for processing -- they are not going to absorb any  
18 fines that other jurisdictions are accountable for for  
19 lack of performance.

20 The County of L.A. is looking at tripling of  
21 their disposal costs over the next 15 years. That's going  
22 to create a very unfriendly business environment. It's  
23 going to increase operating -- you know, unavoidable  
24 operating costs that could impact our L.A. county-wide  
25 economy. And it could move business out of California if

1 it's not addressed. So diversion is not just something  
2 nice. It's not even something state mandated. It's  
3 required for our economic -- continued economic growth or  
4 even maintenance.

5           So programs are very important to the city of  
6 Los Angeles. And the enforcement of those programs will  
7 continue to be done on an individual basis by the Board  
8 staff. That's very clear through our JPA, and it's very  
9 clear through -- and it's been very clear for all of our  
10 elected officials. And we were directed through our  
11 bylaws -- by our elected officials to ensure that any  
12 bylaws are levied according to responsibility of  
13 nonperformance.

14           And we have funds set aside so that we can -- by  
15 individual cities that will go towards base year studies.  
16 But in the event that they balk at that, we can levy it  
17 against the extra funds that they give us. And we do have  
18 redress and can remove them if they do not adhere to those  
19 responsibilities. So the program responsibilities are  
20 very clear.

21           The city and county of L.A. have a stake in this.  
22 And believe me, there is no local jurisdiction that is  
23 going to be participating in this LARA that will count on  
24 its paying somebody else's fine because of their  
25 non-performance.

1           Now, in terms of database, in terms of reporting,  
2 there is insinuations that this is going to add a layer,  
3 this is going to be problematic for those that need  
4 reporting. Within those 22 existing original agencies,  
5 there are municipalities that have encountered the same  
6 problems as some of our potential members. And I say  
7 potential members because these JPAs are assigned  
8 documents with no effective date. All they provide for is  
9 for the city of Los Angeles to assess them a fee so we can  
10 consolidate numbers, only numbers that we get from the  
11 same sources as every other jurisdiction to provide the  
12 Board with a consolidated report. And until the Board  
13 acts and we are authorized to do that, there is no  
14 effective JPA.

15           CHAIRPERSON MOULTON-PATTERSON: Thank you.

16           Before I call back on Mr. Jones, you know, I want  
17 to say that I -- and I might be the only one up here. But  
18 I want to see this work. I think that this is a sincere  
19 attempt to save money, but yet to do the job. I really  
20 sincerely wish we could work out some of these problems.  
21 And I don't know if we should postpone it a month,  
22 continue it a month, or what. Because I think if we vote  
23 on it today, it's not going to go. But I really feel this  
24 could work, should work, and I'm just amazed that we can't  
25 find a way to make it work. I really am.

1 MR. WESTOFF: Madam Chair, I agree with you in  
2 the sense that I am absolutely perplexed about this not  
3 working, especially considering there was a staff  
4 recommendation back in July to approve it. I'd like to  
5 figure out what happened between July and today that would  
6 warrant the change in the recommendation from staff. And  
7 this Board has the ability to make it right. I mean, this  
8 is -- staff's recommendation in July was to approve it.

9 BOARD MEMBER JONES: Madam Chair.

10 CHAIRPERSON MOULTON-PATTERSON: Would a month  
11 answer some questions, Mr. Jones?

12 BOARD MEMBER JONES: Madam Chair, thank you. I  
13 appreciate it. I don't know if a month would. I made an  
14 offer at our Committee meeting, a very sincere offer --  
15 excuse me --

16 MR. WESTOFF: I believe the offer was to withdraw  
17 the item.

18 BOARD MEMBER JONES: No. I also said I'd be  
19 willing to sit down and work with and come up with a  
20 reasonable way to do this.

21 But Madam Chair, I think a month or more. But  
22 there's clearly a he-said/she-said in this thing.

23 CHAIRPERSON MOULTON-PATTERSON: Right.

24 BOARD MEMBER JONES: We have to go back -- I  
25 think people are so wrapped up in this, which I

1 unfortunately do. And all apologies to members,  
2 specifically Mr. Paparian over time, that I have sometimes  
3 gotten so wrapped up I forget reality.

4 In my view, if all this does is consolidate  
5 numbers, then it does not give us the tool to ever  
6 determine if any of those jurisdictions are in compliance.

7 So we need to, I think, sit down and work -- you  
8 know, I mean, our staff gave a recommendation that was not  
9 changed. Okay. I'm addressing the city attorney. The  
10 staff's recommendation didn't change. The fact that this  
11 Board was not going to go along with that recommendation  
12 is what changed. We did not follow our staff  
13 recommendation. Now, maybe the city of L.A., they follow  
14 every recommendation you guys make. This Board doesn't.  
15 And I'm sure your City Council doesn't either.

16 But we had issues that came up. And in the  
17 course of that, it was a simple reliance on a document  
18 that is part of what has to come to us as part of a  
19 Regional Agency and wants to get disregarded. That  
20 creates a huge problem with me. And I think that kind of  
21 filtered to other members. I'm not going to talk about  
22 how that level of uncertainty was to other members.  
23 That's not my job. But it was definitely with me. And I  
24 let Karen go know ahead of time as she was walking in the  
25 building that what I had seen give me pause to not vote to



1 approve it. So it's not our staff. You want to direct  
2 it, direct it this way.

3 Now, the Chair is saying, is there a way to work  
4 on this to make it right? And I know our staff has always  
5 tried to work to make it right. Now, if you don't always  
6 agree with them -- because I do hear different things from  
7 different folks all the time. They seem to get changed.  
8 You know, that's an internal problem.

9 But, Madam Chair, I think it would make sense if  
10 a few of us tried to help them work through some. They  
11 may not like what we're going to offer, but we ought to  
12 sit down and talk about it and figure out what this is.  
13 Because every time I hear from somebody or read something,  
14 it is different than what I thought it was the week  
15 before.

16 CHAIRPERSON MOULTON-PATTERSON: I think there's  
17 misunderstanding on both sides.

18 Mr. Washington.

19 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

20 You know, the offer of a month -- I don't  
21 believe, Madam Chair, we should put up an offer in terms  
22 of time. I think this has gotten too complex. We did  
23 make the offer, Karen. When Mr. Jones kept saying that we  
24 asked you to pull the item, we did ask you to pull the  
25 item off the agenda, not for the item to disappear.

1 Because I told you when it got to this Board that these  
2 things were going to come up and it's going to happen just  
3 like it's going down now. We did not want to see that  
4 happen, Mr. City Attorney. We made the offer to Karen  
5 that we will work with you to create a JPA that made sense  
6 that can get to this Board and get approved. We're not  
7 here to disapprove your JPA or your Regional Agency  
8 agreement. That's not what we're here for. Let me finish.

9 We made the offer because of all the convoluted  
10 issues that were before us where I was told by Karen that  
11 the city of Gardena would be sent a letter to the effect  
12 they were withdrawing. The letter I received said we are  
13 a part of this agency. Those things are certainly reason  
14 why you need to take a step back, regroup, and put a JPA  
15 or a regional -- whatever you want to call it -- together  
16 that made sense. Coming to this Board and going back and  
17 forth is not going to resolve the issue. We need some  
18 time.

19 And certainly, Madam Chair, a month would be  
20 sufficient for me. But I think that we should give them  
21 time to really put this together with the staff and make  
22 it happen.

23 CHAIRPERSON MOULTON-PATTERSON: Since I wasn't  
24 there when the offer was made, I'd like to make an offer  
25 that we take a couple of months. Would that be the end of

1 the world? And get this through.

2 BOARD MEMBER WASHINGTON: Absolutely not.

3 MR. WESTOFF: You can understand the frustration?

4 CHAIRPERSON MOULTON-PATTERSON: I understand the  
5 frustration. I get frustrated too.

6 MR. WESTOFF: Two and a half years --

7 CHAIRPERSON MOULTON-PATTERSON: But do you want a  
8 vote that votes it down? I really think we can make some  
9 in-roads here.

10 MR. WESTOFF: If that's what I need to create a  
11 situation where we're able to get this adjudicated by  
12 somebody who can see what has been going on -- because Mr.  
13 Washington, we tried --

14 CHAIRPERSON MOULTON-PATTERSON: Excuse me.

15 MR. WESTOFF: -- to meet staff's requirements.  
16 And it was a moving target for us. And the only issue  
17 that exists is, is Gardena in -- really that I can see is,  
18 is Gardena in or is Gardena out?

19 And Mr. Jones, on one hand, you know, wants us to  
20 be fair to Gardena and on the other hand, and rightfully  
21 so, he raised issues about Gardena's lack of compliance  
22 with the requirements of this Waste Board, which we are  
23 concerned about as well. But the issue of whether Gardena  
24 is in or is out is a relationship issue between Gardena  
25 and the JPA, not between Gardena and the Waste Board.

1           CHAIRPERSON MOULTON-PATTERSON: Okay. We do have  
2 other speakers. And in respect to them, I'm going to hear  
3 them today, but I am going to ask the staff to come back  
4 in January. I want to see this go. I want to see a way.  
5 And I think Mr. Jones and I know each other well enough  
6 that we can work together, our offices can work together  
7 with the city attorney, with your office, and make this  
8 work. I really would like to see this done.

9           John Emerson, city of Redondo Beach.

10          MR. EMERSON: Madam Chair and Board members,  
11 thank you for allowing me to speak on this issue. On  
12 behalf of the city of Redondo Beach, I would like to  
13 request the Board approve the Los Angeles Integrated Waste  
14 Management Authority, this regional agency. It is our  
15 belief that through the establishment of the regional  
16 agency, member cities and Board staff can spend more time  
17 and resources on program implementation and less on  
18 counting of diversion and disposal tonnage.

19          Many of the cities that make up the proposed  
20 regional agency are also members of the South Bay Business  
21 Environmental Coalition including Torrance, Manhattan  
22 Beach, Los Angeles, Rancho Palos Verdes, and Redondo  
23 Beach. Over the years, the South Bay Business  
24 Environmental Coalition has worked together to provide a  
25 setting for monthly networking between cities and

1 businesses and the most successful waste reduction award  
2 program recognition ceremony in California. We are  
3 working on our fourth annual recognition ceremony as we  
4 speak.

5           The Regional Agency will allow us to expand that  
6 collective effort by drawing in members from all over  
7 Los Angeles County. From Sierra Madre to Beverly Hills,  
8 together we can develop regional programs such as the  
9 construction and demolition debris, recycling, reuse, and  
10 permanent centers for the recycling and disposal of  
11 electronic waste and household hazardous waste.

12           As I said before -- this is kind of weird saying  
13 this at this point. We have worked long and hard to  
14 create this partnership among cities, and I urge you to  
15 let us be in.

16           CHAIRPERSON MOULTON-PATTERSON: Thank you. We  
17 appreciate it, and I really appreciate you being here.

18           Karen Coca, did you have any final remarks? I'm  
19 going to be asking that this be put over until January.  
20 And my office as well as Mr. Jones' and possibly Mr.  
21 Washington would love to work with you on this. I think  
22 there's a lot of misunderstanding on both sides, a lot of  
23 he-said/she-said and I really sincerely want to get this  
24 resolved.

25           MS. COCA: I agree there's been a lot of

1 he-said/she-said. I, unfortunately, engaged in many phone  
2 conversations rather than written correspondence. And I  
3 think that the characterization of what happened during  
4 certain phone calls, you know, it depended on who was  
5 listening. And, unfortunately, I acted in good faith  
6 throughout this entire process. And I still believe I am  
7 acting in good faith.

8 CHAIRPERSON MOULTON-PATTERSON: No one's  
9 questioning that, Ms. Coca.

10 MS. COCA: Well, I would like to address the  
11 comment about what happened at Committee. I was asked to  
12 withdraw it. I was not asked to postpone it for a month  
13 or postpone it for two months to come back with a  
14 solution. I was asked to withdraw the item. And --

15 CHAIRPERSON MOULTON-PATTERSON: Well, now I'm  
16 asking you to postpone it for two months.

17 MS. COCA: I realize that.

18 CHAIRPERSON MOULTON-PATTERSON: I'd like --

19 MS. COCA: So I'd like to make that clear.

20 And a lot of times when I put in calls to  
21 offices, I do not receive a response. I do not get a  
22 briefing. And that makes me question whether I'm going to  
23 get everybody working with me.

24 CHAIRPERSON MOULTON-PATTERSON: I think this is  
25 past history. I am offering now in good faith to ask you

1 to postpone it for two months.

2 MS. COCA: Well, I understand that. That's a  
3 decision that you guys are going to have to make, because  
4 we really were hoping to walk out of here with a decision  
5 today.

6 CHAIRPERSON MOULTON-PATTERSON: That's not going  
7 to happen.

8 MS. McMANUS: Just if I could interject. I think  
9 since we are all looking for a good faith effort, I would  
10 welcome that we have somebody assigned as a facilitator on  
11 your behalf so that we can assure that the parties that  
12 need to be together to reach an agreement do, in fact,  
13 meet and that we do -- you know, that we do have some, you  
14 know, meaningful communication --

15 CHAIRPERSON MOULTON-PATTERSON: I think Mr. Leary  
16 as our Executive Director is as high as it can get. I'd  
17 like to ask Mr. Leary to be this liaison so we can work  
18 together and move forward on this and have it back to us  
19 in January.

20 EXECUTIVE DIRECTOR LEARY: I will do that, Madam  
21 Chair.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Does that mean that 25 we wouldn't be addressing  
24 today also?

25 EXECUTIVE DIRECTOR LEARY: That's correct.

1           CHAIRPERSON MOULTON-PATTERSON:   Okay.   Thank you.

2           Mr. Jones.

3           BOARD MEMBER JONES:   I appreciate your direction  
4 and I appreciate the offer.   And I'm sure Mr. Washington  
5 and many members.   But because -- I just want to  
6 straighten out one thing.   It's not my worry about the  
7 city of Gardena that the city attorney had illustrated so  
8 eloquently.   It is the fact of that city of Gardena got  
9 ignored by the JPA.   And that very -- not understanding  
10 that goes to the heart of what my concern is with  
11 approving this.

12          CHAIRPERSON MOULTON-PATTERSON:   Thank you for  
13 clarifying that.

14          BOARD MEMBER JONES:   I wanted to clarify that.  
15 And I'd be more than happy do whatever it takes.

16          CHAIRPERSON MOULTON-PATTERSON:   At this time we  
17 have a final public comment by Dan Avera.

18          The Board will not be adjourning, though, because  
19 we will be coming back at 2:00 for closed session.

20          Mr. Avera, my Board members are getting cranky  
21 and so am I because it's close to lunch.   So if you could  
22 be brief, we'd appreciate it.

23          MR. AVERA:   Thank very much for this opportunity  
24 to speak to you.   I'll keep this very, very short.   There  
25 was a permit on the agenda today that the LEA pulled.   It



1 was a composting facility in our county. And I want to  
2 describe some of my recent experiences with this  
3 composting facility.

4 I know some of you have visited the facility. I  
5 actually was there on numerous occasions. And one  
6 occasion they did have a significant problem with flies.  
7 But a couple weeks ago the City Council did have a public  
8 hearing. The Council chambers were full. It went on for  
9 about four hours. We heard from numerous residents in the  
10 area complaining about flies and odors. I truly believe  
11 in-composting can be done, not to impact the surrounding  
12 community with the flies, dust, litter, et cetera.

13 One issue that I do have that is, I think, a  
14 challenge for us in the future is dealing with odors. I  
15 was there on numerous occasions. I did not detect any  
16 odors when I was at the site. The night of the City  
17 Council I left the building at 11:00, 11:00 p.m., and  
18 there was odors that I can detect coming from the  
19 composting facility which is located approximately two  
20 miles. So there has on occasion been problems with odors  
21 from the composting facilities.

22 The operator indicated that because of his  
23 methods and his operation, he would not generate any  
24 odors. Composting facilities generate odors. They stink.  
25 The community should be aware of the potential impacts

1 from composting facilities. LEAs are responsible for  
2 enforcing the minimum standards. We have an OIMP, odor  
3 impact minimization plan. We expect the operators to  
4 minimize the odors.

5 Citizens were testifying that they lived in this  
6 area for some time. They did not feel that they should be  
7 impacted by the odors generated from this facility. We  
8 have to do a better job of notifying the community,  
9 businesses, surrounding existing and proposed composting  
10 facilities that at times they may generate odors. I  
11 believe that composting facilities, that if they're  
12 operated correctly should not generate odors. At times,  
13 though, they're going to have an upset. There will be  
14 odors generated, and I think the community needs to be  
15 aware of that.

16 After this experience, I think one of the things  
17 that I looked in our mission statement for our county and  
18 for environmental health. One of the things that I'm  
19 reminded that part of our responsibility is to protect  
20 public health and safety and the environment, but we also  
21 need to do a good job to maintain and enhance the quality  
22 of life. If people can't go outside and have their  
23 barbecue on Saturday afternoon because of flies and odors,  
24 their quality of life has been impacted.

25 A couple recommendations that I think I'm more

1 than willing to work with Board staff in looking at how  
2 these composting facilities are sited, where they're  
3 sited, getting outreach to the community of what the  
4 potential impacts may be and whether or not to stress the  
5 quality of life issues in these facilities. I'm not  
6 sure -- I'm not talking about a buffer zone. I'm not  
7 talking about those issues because at two miles away, we  
8 can't have a two-mile buffer zone around all composting  
9 facilities. But I really believe we need to address some  
10 of these issues in future composting sites.

11 Thank you very much.

12 CHAIRPERSON MOULTON-PATTERSON: Thank you,  
13 Mr. Avera. We appreciate that. The Board will be back.  
14 Our public items are finished. The Board will be back at  
15 2:15 for closed session. Thank you very much. Every one  
16 has worked very hard today.

17 (Thereupon a recess was taken.)

18 (Thereupon the Board recessed into  
19 a closed session.)

20 CHAIRPERSON MOULTON-PATTERSON: The Board in its  
21 closed session took no formal vote. I'd like to close the  
22 meeting.

23 (Thereupon the California Integrated Waste  
24 Management Board, Board of Administration  
25 adjourned at 4:02 p.m.)

1 CERTIFICATE OF REPORTER

2 I, TIFFANY C. KRAFT, a Certified Shorthand  
3 Reporter of the State of California, and Registered  
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the  
6 foregoing hearing was reported in shorthand by me,  
7 Tiffany C. Kraft, a Certified Shorthand Reporter of the  
8 State of California, and thereafter transcribed into  
9 typewriting.

10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said hearing nor in any  
12 way interested in the outcome of said hearing.

13 IN WITNESS WHEREOF, I have hereunto set my hand  
14 this 1st day of December, 2003.

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